SENATE.

THURSDAY, *June 14, 1906.*

Rev. CHARLES CUTHBERT HALL, D. D., of the city of New York, offered the following prayer:

Let the people praise Thee, O God; let all the people praise Thee.

Then shall the earth yield her increase; and God, and even our own God, shall bless us.

God shall bless us; and all the ends of the earth shall fear Him.

Let us pray.

O God of nations, who setteth up one and putteth down another, most heartily we thank Thee for Thy good providence toward us and our fathers. We bless Thee for the foundation of this Republic on principles of truth and humanity. We call to remembrance the illustrious founders of our constitutional liberty and all others who by life or death have served and suffered for the welfare of the State.

Inasmuch as on this day, by common consent, the flag of the United States is honored and exalted among the people, we beseech Thee to protect and sanctify that flag forever by the sure defenses of righteousness. Give unto us and to our children the spirit of reverence and obedience. Let integrity and uprightness preserve us. Cleanse the nation from whatsoever defileth or maketh ashamed. Ennoble all citizens with the purpose of goodness, to the end that throughout all the world the flag of the United States may be a symbol of honor, of brotherhood, of peace.

We pray for the President and Vice-President, for all counselors, legislators, judges, ambassadors, and ministers of state, for the Army and Navy. Especially we pray for the Senate this day assembled, that it may be true in purpose, wise in counsel, resolute in action, deserving and receiving the gratitude of the people and the continual favor of God.

This we ask in the name of our Lord Jesus Christ. Amen.

The Secretary proceeded to read the Journal of yesterday's proceedings, when, on request of Mr. HALE, and by unanimous consent, the further reading was dispensed with.

The VICE-PRESIDENT. The Journal stands approved.

SENATOR FROM KANSAS.

Mr. LONG. Mr. President, I present the credentials of Hon. Alfred Washburn Benson, of Kansas, appointed by the governor of that State to fill the vacancy caused by the resignation of Senator Burton. I ask that the credentials may be read, and that the oath of office may be administered to my colleague.

The VICE-PRESIDENT. The Secretary will read the credentials presented by the Senator from Kansas.

The Secretary read the credentials, as follows:

Hon. CHARLES WARREN FAIRBANKS,
Vice-President of the United States and Ex-Officio President of the Senate of the United States, Washington, D. C.:

Know ye that I, E. W. Hoch, governor of the State of Kansas, reposing special trust and confidence in the integrity, patriotism, and abilities of Alfred Washburn Benson, on behalf and in the name of the State, do hereby appoint and commission him a Senator in the Congress of the United States, from the State of Kansas, to fill vacancy caused by the resignation of Hon. Joseph R. Burton until the next meeting of the legislature of this State, and until a successor has been elected and qualified, and empower him to discharge the duties of said office according to law.

In testimony whereof I have hereunto subscribed my name and caused to be affixed the great seal of the State.

Done at Topeka, Kans., this 11th day of June, A. D. 1906.

[SEAL.] E. W. HOCH, *Governor.*

By the governor:

J. R. BURROW,
Secretary of State.

Mr. BURROWS. Mr. President, it will be observed that the certificate is not in proper form. I call attention to the fact that by it the governor appoints not only to the vacancy until the next meeting of the legislature, but until the legislature shall elect. Under that certificate, if valid, and the legislature should fail to elect, Mr. Benson might hold for life. But the certificate nevertheless, I think, is sufficient, as that portion of it which assumes to supply the vacancy "until the legislature shall elect" can be regarded as surplusage.

The VICE-PRESIDENT. The credentials will be filed. The Senator appointed will present himself at the desk and take the oath prescribed by law.

Mr. Benson was escorted to the Vice-President's desk by Mr. LONG, and the oath prescribed by law having been administered to him, he took his seat in the Senate.

FINDINGS OF COURT OF CLAIMS.

The VICE-PRESIDENT laid before the Senate a communication from the assistant clerk of the Court of Claims, transmitting a certified copy of the findings of fact filed by the court in the cause of James M. Price, sole heir and legatee of Thomas J. Price, deceased, *v.* The United States; which, with the accompanying paper, was referred to the Committee on Claims, and ordered to be printed.

CREDENTIALS.

Mr. ALLEE presented the credentials of Henry A. Du Pont, chosen by the legislature of the State of Delaware a Senator from that State for the unexpired term ending March 3, 1911; which were read and ordered to be filed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, announced that the House had agreed to the amendments of the Senate to the following bills:

H. R. 17983. An act providing for the erection of a monument on Kings Mountain battle ground commemorative of the great victory gained there during the war of the American Revolution on October 7, 1780, by the American forces; and

H. R. 18330. An act transferring the county of Clinton, in the State of Iowa, from the northern judicial district of Iowa to the southern judicial district of Iowa.

The message also announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H. R. 9813) granting a pension to Harriet P. Sanders.

PETITIONS AND MEMORIALS.

The VICE-PRESIDENT presented a petition of the Philadelphia Sabbath Association, of Philadelphia, Pa., praying for the enactment of legislation providing for the closing on Sunday of the Jamestown Exposition; which was referred to the Select Committee on Industrial Expositions.

He also presented a petition of the Women's American Club of Salt Lake City, Utah, praying for an investigation of the charges made and filed against Hon. REED SMOOT, a Senator from the State of Utah; which was ordered to lie on the table.

Mr. SPOONER presented a petition of sundry citizens of Norris, Wis., praying for an investigation into the existing conditions in the Kongo Free State; which was referred to the Committee on Foreign Relations.

Mr. PENROSE presented a petition of sundry citizens of New Wilmington, Pa., and a petition of sundry citizens of McConnellsburg, Pa., praying for an investigation into the existing conditions in the Kongo Free State; which were referred to the Committee on Foreign Relations.

He also presented a petition of the Indian Association of Bethlehem, Pa., praying for the enactment of legislation for the relief of the landless Indians of northern California; which was referred to the Committee on Indian Affairs.

He also presented a petition of the Woman's Missionary Society of Florence, Pa., praying for the adoption of an amendment to the Constitution to prohibit polygamy; which was referred to the Committee on the Judiciary.

Mr. KNOX presented memorials of Lodge No. 218, Brotherhood of Trainmen, of Connellsville; Lodge No. 235, Brotherhood of Firemen, of Pittsburg; Lodge No. 244, Brotherhood of Trainmen, of Glenwood; Division No. 187, Order of Railway Conductors, of Sunbury; General Committee of Adjustment, Pennsylvania lines west of Pittsburg, of New Castle, all in the State of Pennsylvania, remonstrating against the adoption of an amendment to the rate bill prohibiting passes to railroad employees and members of their families; which were ordered to lie on the table.

REPORTS OF COMMITTEES.

Mr. PETTUS, from the Committee on Military Affairs, to whom was referred the bill (H. R. 13456) for the relief of James McKenzie, submitted an adverse report thereon, which was agreed to; and the bill was postponed indefinitely.

Mr. BERRY, from the Committee on Commerce, to whom was referred the bill (H. R. 8428) to regulate the construction of dams across navigable waters, reported it without amendment.

Mr. MARTIN, from the Committee on the District of Columbia, to whom was referred the bill (S. 6209) authorizing certain changes in the permanent system of highways in the District of Columbia, reported it without amendment, and submitted a report thereon.

Mr. OVERMAN, from the Committee on Claims, to whom was referred the bill (S. 2951) for the relief of John Scott, reported it with an amendment, and submitted a report thereon.

He also, from the Committee on Military Affairs, to whom was referred the bill (H. R. 14928) for the relief of F. V. Walker, reported it without amendment, and submitted a report thereon.

Mr. HANSBROUGH, from the Committee on Public Lands,

to whom was referred the bill (S. 4284) granting to the State of Wisconsin the residue of unappropriated and unreserved public lands within said State as an addition to the State forest reserve of said State, submitted a report thereon, accompanied by a bill (S. 6462) granting lands to the State of Wisconsin for forestry purposes; which was read twice by its title.

Mr. McCUMBER, from the Committee on Pensions, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (H. R. 7546) granting a pension to Edna Buchanan;

A bill (H. R. 18816) granting an increase of pension to Harriet Weatherby; and

A bill (H. R. 6944) granting an increase of pension to David P. Kimball.

Mr. PENROSE, from the Committee on Finance, to whom was referred the bill (S. 2416) to refund certain excess duties paid upon importations of absinthe and kirschwasser from Switzerland between June 1, 1898, and December 5, 1898, reported it without amendment.

Mr. CLAPP, from the Committee on Indian Affairs, to whom was referred the bill (S. 6418) to establish an additional recording district in Indian Territory, reported it without amendment, and submitted a report thereon.

Mr. BLACKBURN, from the Committee on the District of Columbia, to whom was referred the amendment submitted by Mr. RAYNER on the 7th ultimo, relative to funds for the Providence Hospital, intended to be proposed to the sundry civil appropriation bill, submitted a favorable report thereon, and moved that it be referred to the Committee on Appropriations and printed; which was agreed to.

Mr. DUBOIS, from the Committee on the District of Columbia, to whom was referred the bill (H. R. 130) authorizing the extension of Kalorama road NW., reported it without amendment, and submitted a report thereon.

FIRE DEPARTMENT OF THE DISTRICT OF COLUMBIA.

Mr. SCOTT. I report back from the Committee on the District of Columbia without amendment the bill (H. R. 4464) to classify the officers and members of the fire department of the District of Columbia, and for other purposes, and I submit a report thereon. I ask for the immediate consideration of the bill.

The VICE-PRESIDENT. The bill will be read for the information of the Senate.

The Secretary read the bill.

Mr. SCOTT. I wish to make one statement in regard to the bill.

The VICE-PRESIDENT. Is there objection to the present consideration of the bill?

Mr. HALE. It is a very important bill, and there ought be some scrutiny in these last days of important bills. I hope the Senator in charge of the bill will state for the benefit of the body, so that we may know something about the bill, what features in it are new, what is the need of it, and what changes are made in salaries, so that when the Senate passes it we may not be absolutely "like dumb, driven cattle," knowing nothing whatever of what was before the body. I ask the Senator to tell us.

Mr. SCOTT. I ask the Secretary if he has not with the bill the report of the committee adopting the House report? It will give the Senator the information, I think.

I wish to say to the Senator that this bill was very carefully prepared by Congressman CAMPBELL, of the District Committee of the House. As the Senator no doubt noticed from the reading, it is to take effect the 1st of July, and while there is possibly one amendment which should have gone into the bill, covering the case of the trial of firemen for misconduct, the District Committee thought it best not to endanger the passage of the bill by amending it, for fear that if sent back in an amended form it might not become a law.

If the Senator will listen to the reading of the report, I am sure he will have no objection to the bill. It will explain fully the nature of the bill.

Mr. HALE. What is the main necessity for the bill? The Senator can tell us that.

Mr. SCOTT. The main feature of the bill, I will say to the Senator from Maine, is an increase in the salary of the fire department on the same ratio that the increase was made in the salary of the police department. It increases the salary of the men in the department.

Mr. HALE. To what extent?

Mr. SCOTT. Forty-eight hundred dollars will go to the higher officers. The balance of the increase goes to the men. The total amount that the bill will carry will be about $83,000.

Mr. HALE. Eighty-three thousand dollars annually?

Mr. SCOTT. Yes, sir.

Mr. HALE. I do not object to the firemen having fair and generous pay, but I do not think any bill to increase salaries ought to go through without the Senate knowing the extent. Does the Senator know what percentage of increase the firemen will have under the bill?

Mr. SCOTT. I will say to the Senator from Maine that I was compelled this morning to attend a meeting of the Committee on Military Affairs. I have sent now to the room of the Committee on the District of Columbia for the memorandum concerning this bill. I will ask that the matter go over, and I will call it up a little later.

The VICE-PRESIDENT. The bill will go to the Calendar.

FORT DOUGLAS MILITARY RESERVATION LANDS.

Mr. WARREN. I am directed by the Committee on Military Affairs, to whom was referred the bill (S. 6395) for the exchange of certain lands situated in the Fort Douglas Military Reservation, in the State of Utah, and other considerations, for lands adjacent thereto, between Le Grand Young and the Government of the United States, and for other purposes, to report it favorably with amendments, and I ask for its immediate consideration.

The Secretary read the bill; and there being no objection, the Senate, as in Committee of the Whole, proceeded to its consideration.

The amendments of the Committee on Military Affairs were, in section 1, page 2, line 20, after the word "Utah," to insert "and to Salt Lake City, a municipality organized and existing under the laws of the State of Utah, in the State of Utah;" in line 21, after the word "line," to insert "or lines;" on page 3, line 7, after the words "repair of," to strike out "a pipe line over the following-described portion of said lands: Commencing at the northwest corner of the University of Utah campus, running thence north along the west boundary of the Fort Douglas United States Military Reservation 200 feet; thence east 1,164.83 feet; thence south 200 feet; thence west 1,164.83 feet to the place of beginning;" and insert "the tank house belonging to the said Salt Lake City, as at present situated on the foregoing-described land;" in line 22, after the words "six hundred," to insert "and forty;" so as to make the section read:

That the Secretary of War, for and on behalf of the United States, is hereby authorized to grant and convey by deed to Le Grand Young, his heirs and assigns forever, that portion of the lands comprised within the Fort Douglas Military Reservation, adjoining Salt Lake City, Utah, described as follows, to wit: Commencing at the west boundary line of the Fort Douglas Military Reservation at a point where it is intersected by the south line of First South street, in Salt Lake City, Salt Lake County, State of Utah, and running thence north on said west boundary line of said military reservation a distance of 1,590 feet, more or less, to the southwest corner of what is known as "Popperton place," in Salt Lake City; thence east on a line between the said military reservation and the said Popperton place, a distance of 1,159 feet; thence south on a line running parallel to the said west boundary line of the military reservation a distance of 1,590 feet, more or less, to the northeast corner of the land granted to the University of Utah by act of Congress approved July 23, 1894; thence west along the north line of said university lands a distance of 1,159 feet, to the place of beginning, containing 42.3 acres of land, reserving, however, for the use of the military and the public a right of way in and over the present macadamized road leading from the post of Fort Douglas through said premises to Salt Lake City: *Provided*, That there is hereby granted and reserved to the University of Utah and to Salt Lake City, a municipality organized and existing under the laws of the State of Utah, in the State of Utah, a perpetual easement for the construction, maintenance, and repair of a pipe line or lines over the following-described portion of said lands: Beginning at the intersection of the north line of First South street with the west line of the said military reservation, and running thence north along the west line of the said reservation 50 feet; thence east 1,159 feet; thence south 50 feet; thence west 1,159 feet, to the place of beginning: *And provided further*, That there is hereby granted and reserved to Salt Lake City, a municipality organized and existing under the laws of the State of Utah, in the State of Utah, a perpetual easement for the construction, maintenance, and repair of the tank house belonging to the said Salt Lake City, as at present situated on the foregoing described land. The Secretary of War is further authorized to convey to the said Le Grand Young, his heirs and assigns, a right of way 100 feet wide, for a railroad and wagon road, along the south side of the said military reservation, within metes and bounds as follows: Commencing at the southeast corner of the said military reservation, and running thence west 640 rods to the southwest corner; thence north 100 feet; thence east 640 rods; thence south 100 feet to the place of beginning: *Provided*, That said roadway shall be subject to use by the public for highway purposes.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

WATERS OF THE MISSISSIPPI RIVER AT ST. PAUL, MINN.

Mr. NELSON. From the Committee on Commerce I report back without amendment the bill (S. 6451) to provide for a commission to examine and report concerning the use by the United States of the waters of the Mississippi River flowing

over the dams between St. Paul and Minneapolis, Minn., and I ask for its present consideration.

The VICE-PRESIDENT. The bill will be read for the information of the Senate.

Mr. HALE. Is the Senator certain that what is embraced in the bill is not covered in the work of the waterways commission?

Mr. NELSON. I will explain to the Senator the object of the bill. If the bill could be read the Senator would see the object of it. The bill has not been read. Will the Senator allow the bill to be read?

Mr. HALE. Certainly. My only point is whether it is embraced in the great waterways commission which is now at work.

The VICE-PRESIDENT. The bill will be read for the information of the Senate.

The Secretary read the bill, as follows:

Be it enacted, etc., That a commission is hereby created to examine and report to the Secretary of War, for transmission to Congress, concerning the use of the surplus water which shall not be needed for the purposes of navigation flowing over the dams now under construction by the United States in the Mississippi River between the cities of St. Paul and Minneapolis, Minn.

That such commission shall be composed of one officer of the Corps of Engineers of the United States Army, one officer of the Quartermaster's Department of the United States Army, both of whom shall be designated by the Secretary of War, and one official of the Treasury Department, who shall be an expert in electrical engineering, who shall be designated by the Secretary of the Treasury.

SEC. 2. That this commission shall examine and report upon the following propositions:

First. Whether there will be any surplus water flowing over said dams not needed for the purposes of navigation which might be available for mechanical or commercial power.

Second. Whether such power, or any part thereof, could be economically utilized for furnishing the light and power now needed or which hereafter may be needed in the buildings and property of the United States at St. Paul, Minneapolis, and Fort Snelling, Minn.; and if so, to what extent, and what proportion or amount of the available power could be so utilized by the United States or disposed of in any manner to the advantage of the United States.

Third. If it shall appear to said commission feasible and economical for the United States to use or dispose of such power or any part thereof, then said commission shall report a plan or plans, with terms and conditions for such use or disposition, and an estimate of the cost thereof to the United States.

SEC. 3. That the said commission shall meet at such time and place as may be directed by the Secretary of War, and shall transmit said report within two years after the passage of this act.

Mr. ALDRICH. I should like to have the first section read again. My attention was distracted by another matter.

The VICE-PRESIDENT. The Secretary will again read the first section of the bill.

The Secretary read as requested.

Mr. ALDRICH. I think the bill raises a very important question. I should suppose that the water power in these rivers would belong to the riparian owners—the owners of the adjacent land.

Mr. NELSON. I wish to explain to the Senator that these are Government dams constructed in the aid of navigation between Minneapolis and St. Paul, near Fort Snelling. The Government acquired the right by condemnation to construct the dams. It is Government property; and the sole object is to ascertain whether any of the surplus water can be used for these other purposes. Fort Snelling is close by, and the object is to supply it with the electric power, and also the United States public buildings in Minneapolis and St. Paul.

Mr. ALDRICH. Does the Government own the land on both sides of these dams?

Mr. NELSON. It owns it so far as the flowage is concerned.

Mr. ALDRICH. That may raise a very important question of ownership. I assume that the United States does not and will not claim the right to use waters that are navigable for the production of light and power in competition with private individuals.

Mr. NELSON. I do not think there is any conflict. This is simply to provide for an investigation and report on that question. That is all that there is involved in the bill.

Mr. ALDRICH. I am not objecting to the bill for the appointment of a commission, but it looks very much as though it is a first step the Government is going to take into the business of competing with private individuals in the manufacture and production of power.

Mr. NELSON. I do not think there is anything of that kind involved in the bill.

Mr. CULLOM. Does it not look like every drop of water in the country that can be picked up for any purpose is going to be taken away from transportation in the rivers?

Mr. NELSON. This does not allow the taking of a drop of water needed for navigation.

Mr. HANSBROUGH. I understand that it is for the purpose of allowing the Government to use the power from Government dams for the manufacture of light and heating.

Mr. NELSON. Yes. We have a great military post at Fort Snelling, near this dam.

Mr. HANSBROUGH. It is not for private use?

Mr. NELSON. It is not for private use at all. It is for Government purposes.

Mr. HOPKINS. Mr. President——

The VICE-PRESIDENT. Does the Senator from Minnesota yield to the Senator from Illinois?

Mr. NELSON. Certainly.

Mr. HOPKINS. I will ask the Senator if he has looked into the question as to whether the Government of the United States has any control whatever over these waters?

Mr. NELSON. They are Government dams built on a navigable river.

Mr. HOPKINS. That may be, but is there anything in that that would give the Government of the United States the power to divert the water for any purpose?

Mr. NELSON. For public purposes, for Government purposes?

Mr. HOPKINS. Yes; even for that?

Mr. NELSON. I think so; but——

Mr. HOPKINS. Except for navigation, and even in a limited way for that purpose.

Mr. NELSON. I think so. However, this simply involves a consideration of the question and a report. It does not commit the Government to the plan.

Mr. HOPKINS. I will state to the Senator, if he will permit me, that under the river and harbor act that was passed some years ago a commission was authorized to look into the conditions of the waters of the Great Lakes in conjunction with a commission appointed by Great Britain, and that commission, in my judgment, has made some egregious blunders against the interests of the United States, and especially against the interests of the several States that really own the water. The Government of the United States has no authority in the water. The water belongs to the several States, and they must determine its use, outside of the question of navigation. It seems to me that if the Senator will look into this matter he will find that the Government of the United States has no authority whatever over a proposition of this character.

Mr. NELSON. It may be that an act of the legislature supplemental to this act would be necessary. But the Senator can see that, this being a Government dam, without the consent of the United States, even with that of the State legislature, they could not use the water that was made by the dam. These dams were built for the purposes of navigation between St. Paul and Minneapolis, to make the Mississippi River navigable from St. Paul up to the mills at Minneapolis. If any such question as the Senator suggests might arise in the matter, it is a question the legislature of the State will solve. Certainly, if there is such a question, it will require the consent both of the United States and of the State.

The bill simply proposes to appoint a commission to investigate whether any surplus water can be used above what is needed for navigation, and they are to report to the Secretary of War for transmission to Congress. It does not go beyond that. If this other question arises, then it is a matter that can be settled by the State legislature. There are at present no objections anywhere, either by the people of St. Paul or Minneapolis or any of the riparian owners.

Mr. HOPKINS. I will say to the Senator the only reason why a dam was constructed there at all was that it was in the interest of the commerce of the river itself, in which the several States from the source to the mouth of the river are just as much interested as the people at St. Paul and Minneapolis. They can not use that water for any other purpose. In my judgment, the people down at Cairo, Ill., or at St. Louis, Mo., or down farther, clear to the mouth of the Mississippi River, have just as much right to be consulted on the question as to the diversion of any of the water that goes over the dam there as the people of Minneapolis or St. Paul.

Mr. NELSON. The Senator is correct, and this commission is to consider that very question.

Mr. HOPKINS. But the Government of the United States has no authority over that. That must be done through the legislatures of the various States that border the river.

Mr. NELSON. No; the particular question whether any surplus water is needed above the requirements of navigation is a question belonging to the United States Government, not to the States.

Mr. TILLMAN. Mr. President——

Mr. HOPKINS. Mr. President, under the statement of the Senator from Minnesota I am not going to object to this specific bill, because he says it is not to determine any rights; but I think the bill involves a great question that should be care-

fully looked into by the Senators from the several States bordering on that great waterway.

The VICE-PRESIDENT. Does the Senator from Minnesota yield to the Senator from South Carolina?

Mr. NELSON. Certainly.

Mr. TILLMAN. As I understand the bill it has in view the survey or the investigation by a commission to determine whether any of the water which flows over the dam can be used to run machinery.

Mr. NELSON. To run electrical power in the Government establishments.

Mr. TILLMAN. For the benefit of the Government?

Mr. NELSON. For the benefit of the Government. The Government has a great military post, with which Senators are familiar, at Fort Snelling. There has been a military post there ever since 1820, and it is close by this dam.

Mr. TILLMAN. I merely wish to remark that I never saw any water that was in a mill pond (and this is something like a mill pond above a dam, because the water is deepened by the dam) which could be so far diverted but that it would not get back into the stream below, unless it was pumped off somewhere and destroyed. I can not see how in the name of common sense the utilization of this water to run machinery, when the water would go right immediately back to the river, is going to divert any of it from the Mississippi River at St. Louis.

Mr. NELSON. The Senator is undoubtedly right. The water would go right back into the river immediately, and it would not diminish the flow.

The VICE-PRESIDENT. Is there objection to the present consideration of the bill?

Mr. ALDRICH. I should like to ask whether the jurisdiction of the United States over this matter is supposed to arise from the fact that it built a dam, or whether on account of the fact that these are navigable waters—that is, whether the United States can take possession of any river which is supposed to be navigable and build dams and erect factories of one kind or another and go into the business of competing with citizens of the United States in various ways?

Mr. TILLMAN. I have seen at Rock Island, in Illinois, a somewhat similar situation. There is at Rock Island one of the largest electric plants in the United States. The electricity is generated by the waters of the Mississippi River, and the Government utilizes that electricity to run machinery in the Rock Island Arsenal.

Mr. NELSON. That is the fact; and this case is precisely analogous to it.

Mr. ALDRICH. I thought from listening to the reading of the bill that it contemplated other uses.

Mr. NELSON. Oh, no; simply Government uses, that is all, for the great military post there and for the Government buildings, the public buildings at St. Paul and Minneapolis. It is exactly as the Senator from South Carolina has stated—analogous to the case at Rock Island.

The VICE-PRESIDENT. Is there objection to the present consideration of the bill?

There being no objection, the bill was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment.

Mr. ALDRICH. I suggest to the Senator from Minnesota that I was not mistaken about the declared purpose for creating the commission. It is to be appointed to report to Congress concerning the use of certain surplus water without restricting its contemplated use to Government purposes.

Mr. NELSON. If the Senator will turn to the other page——

Mr. ALDRICH. That is the second inquiry. The first and the main inquiry is as to the use of it. I will not raise the point, but the first section is subject to the construction which I placed upon it.

Mr. SPOONER. It will not divert any water or involve the Government in competing with any industry until Congress ascertains whether there is surplus water.

Mr. ALDRICH. Oh, no.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

CHATTAHOOCHEE RIVER BRIDGES.

Mr. PILES. I am directed by the Committee on Commerce, to whom was referred the bill (H. R. 19815) to authorize the Georgia, Florida and Alabama Railway Company to construct a bridge across the Chattahoochee River between Columbus, Ga., and Franklin, Ga., to report it favorably without amendment, and I ask for its immediate consideration.

The Secretary read the bill; and there being no objection, the Senate, as in Committee of the Whole, proceeded to its consideration.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

Mr. PILES. I am directed by the Committee on Commerce, to whom was referred the bill (H. R. 19816) to authorize the Georgia, Florida and Alabama Railway Company to construct three railroad bridges across the Chattahoochee River, one at or near the city of Eufaula, Ala., and two between said city of Eufaula and the city of Columbus, Ga., to report it favorably without amendment, and I ask for the present consideration of the bill.

The Secretary read the bill; and there being no objection, the Senate, as in Committee of the Whole, proceeded to its consideration.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

GOVERNMENT RESERVATION IN HILO, HAWAII.

Mr. CLARK of Montana. I am directed by the Committee on Pacific Islands and Porto Rico to report back favorably without amendment the bill (H. R. 10106) providing for the setting aside for governmental purposes of certain ground in Hilo, Hawaii, and I ask unanimous consent for the present consideration of the bill.

The Secretary read the bill; and there being no objection, the Senate, as in Committee of the Whole, proceeded to its consideration.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JOSÉ MARTÍN CALVO.

Mr. WARREN. I am directed by the Committee on Military Affairs, to whom the subject was referred, to report an original joint resolution, which I send to the desk. As it is very short and it is important that it should be passed at the present time, I ask for its immediate consideration.

The VICE-PRESIDENT. The joint resolution will be read for the information of the Senate.

The joint resolution (S. R. 66) authorizing the Secretary of War to receive for instruction at the Military Academy at West Point Mr. José Martín Calvo, of Costa Rica, was read the first time by its title, and the second time at length, as follows:

Resolved by the Senate and House of Representatives, etc., That the Secretary of War be, and he hereby is, authorized to permit Mr. José Martín Calvo, of Costa Rica, to receive instruction at the Military Academy at West Point: *Provided*, That no expense shall be caused to the United States thereby: *And provided further*, That in the case of the said José Martín Calvo the provisions of sections 1320 and 1321 of the Revised Statutes shall be suspended.

By unanimous consent the Senate, as in Committee of the Whole, proceeded to consider the joint resolution.

The joint resolution was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

FORESTRY LAND GRANT TO WISCONSIN.

Mr. LA FOLLETTE. I ask unanimous consent for the present consideration of a bill reported this morning from the Committee on Public Lands by the Senator from North Dakota [Mr. HANSBROUGH], granting lands to the State of Wisconsin for forestry purposes.

The VICE-PRESIDENT. The bill will be read for the information of the Senate, subject to objection.

The bill (S. 6462) granting lands to the State of Wisconsin for forestry purposes was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, directed to cause patents to issue to the State of Wisconsin for not more than 20,000 acres of such unappropriated, unoccupied, nonmineral public lands of the United States north of the township line between townships 33 and 34 north, fourth principal meridian, as may be selected by and within said State for forestry purposes. The lands hereby granted, except as herein provided, shall be used as a forest reserve only, and should the State of Wisconsin abandon the use of said lands for such purpose, alienate or attempt to alienate or use the same or any part thereof for purposes other than that for which granted, except upon consent of the Secretary of the Interior, as hereinafter provided, the same shall revert to the United States. If it shall be made to appear to the satisfaction of the Secretary that any tract or tracts of the land hereby granted are better suited for agricultural than for forestry purposes or by reason of their isolation are not available for forest-reserve purposes, he may, by order, consent to the sale of such tract or tracts by the State of Wisconsin, upon condition that the proceeds of such sale shall be used by the said State in the reforestation of the permanent forest reserves established by said State, and that in event the lands hereby granted shall revert to the United States the said State will account for all such moneys and will pay over to the United States all sums derived from the sales of these lands and not actually used in reforestation.

The VICE-PRESIDENT. Is there objection to the present consideration of the bill?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, or-

dered to be engrossed for a third reading, read the third time, and passed.

Mr. LA FOLLETTE. I move that the bill (S. 4284) granting to the State of Wisconsin the residue of unappropriated and unreserved public lands within said State as an addition to the State forest reserves of said State be indefinitely postponed.

The motion was agreed to.

BILLS INTRODUCED.

Mr. CARMACK introduced a bill (S. 6455) for the relief of Aaron D. Bright; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Claims.

Mr. PENROSE introduced a bill (S. 6456) granting a pension to Lilla May Pavy; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

Mr. NELSON introduced a bill (S. 6457) granting a pension to Anna M. Gregory; which was read twice by its title, and referred to the Committee on Pensions.

Mr. SPOONER introduced a bill (S. 6458) for the relief of the administrator of Capt. Ephraim Perkins; which was read twice by its title, and referred to the Committee on Claims.

He also introduced a bill (S. 6459) granting an increase of pension to Ellen Carpenter; which was read twice by its title, and referred to the Committee on Pensions.

Mr. MILLARD introduced a bill (S. 6460) for the relief of Nye & Schneider Company; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Claims.

Mr. McLAURIN introduced a bill (S. 6461) for the relief of the estate of Stephen Herren; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Claims.

AMENDMENTS TO APPROPRIATION BILLS.

Mr. HEMENWAY submitted an amendment proposing to appropriate $25,000 per annum to provide for the traveling expenses of the President of the United States, intended to be proposed by him to the sundry civil appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

Mr. PENROSE submitted an amendment proposing that, beginning on the 1st day of July, 1906, and continuing thereafter, the work and employment of all employees of the various mints of the United States shall cease at 12 o'clock noon of every Saturday during the months of July, August, and September, etc., intended to be proposed by him to the general deficiency appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

He also submitted an amendment proposing that, beginning on the 1st day of July, 1906, and continuing thereafter, the work and employment of the clerks and per diem clerks rated as special laborers, mechanics, helpers, laborers, and apprentices employed in the various navy-yards and naval stations of the United States, etc., shall cease at 12 o'clock noon of every Saturday during the months of July, August, and September, intended to be proposed by him to the general deficiency appropriation bill; which was referred to the Committee on Naval Affairs, and ordered to be printed.

Mr. TELLER submitted an amendment proposing to appropriate $5,000, to be used, at the discretion of the Secretary of the Interior, in placing a herd of 200 or 300 reindeer on the island of Unalaska, intended to be proposed by him to the sundry civil appropriation bill; which, with the accompanying memorandum, was referred to the Committee on Appropriations, and ordered to be printed.

Mr. MONEY submitted an amendment proposing to appropriate $5,000, to be used in increasing the salaries of clerks (formerly laborers) in the Department of Agriculture, classified by order of the President dated January 12, 1905, intended to be proposed by him to the sundry civil appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

REGULATION OF CHILD LABOR IN THE DISTRICT OF COLUMBIA.

Mr. PILES submitted an amendment intended to be proposed by him to the bill (H. R. 17838) to regulate the employment of child labor in the District of Columbia; which was ordered to lie on the table and be printed.

PROPOSED RULE AS TO CONFERENCE REPORTS.

Mr. BAILEY. Mr. President, I desire to give notice, in accordance with the provision of Rule XL, of an amendment intended to be proposed to the rules of the Senate providing for the reception of a point of order against a conference report, and I submit the resolution which I send to the desk.

The VICE-PRESIDENT. The resolution submitted by the Senator from Texas will be read.

The Secretary read as follows:

Resolved, That whenever objection is made that a conference report includes matter beyond the jurisdiction of the conference committee, the point of order shall be determined in the first instance by the Chair, and shall be finally disposed of by the Senate before the conference report itself is considered.

Mr. BAILEY. Mr. President, if it be permissible, I should like to have the resolution remain on the table, so that I may call it up within the next day or two. I think it is generally agreed that some rule of the kind provided for in the resolution ought to be adopted, and it possibly could be adopted without any debate or contest. I therefore ask unanimous consent that the resolution lie on the table.

The VICE-PRESIDENT. The resolution will lie on the table, and be printed.

INTRODUCTION OF REINDEER INTO ALASKA.

Mr. NELSON submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That the Secretary of the Interior be directed to transmit to the Senate the report of Dr. Sheldon Jackson upon "The Introduction of Domestic Reindeer into the District of Alaska" for 1905, together with the maps and illustrations.

ASSISTANT CLERK TO COMMITTEE ON RULES.

Mr. SPOONER submitted the following resolution; which was referred to the Committee to Audit and Control the Contingent Expenses of the Senate:

Resolved, That the Committee on Rules be, and it is hereby, authorized to employ an assistant clerk, in lieu of the messenger authorized by the resolution of January 4, 1906, to be paid from the contingent fund of the Senate at the rate of $1,800 per annum until otherwise provided by law.

BYRON K. MAY.

Mr. McCUMBER submitted the following concurrent resolution; which was considered by unanimous consent, and agreed to:

Resolved by the Senate (the House of Representatives concurring), That the President be requested to return the bill (S. 1510) entitled "An act granting an increase of pension to Byron K. May."

WITHDRAWAL OF PAPERS—SOL MARKEE.

On motion of Mr. CLAPP, it was

Ordered, That permission be, and is hereby, granted to withdraw from the Senate files the petition of Sol Markee and others for the draining of Pelican Lake, Minnesota, referred to the Committee on Public Lands January 11, 1906, no adverse report having been made on the matter.

PANAMA RAILROAD COMPANY, ETC.

The VICE-PRESIDENT. If there be no further concurrent or other resolutions, the Chair lays before the Senate a resolution submitted by the Senator from Alabama [Mr. MORGAN] yesterday, which will be read.

Mr. MORGAN. The Senator from Illinois [Mr. HOPKINS] made objection to the form of the resolution that I offered in the Senate yesterday. We have agreed as to the form of it. I have modified the resolution, and I ask for the adoption of the resolution as it has been modified.

The VICE-PRESIDENT. The Senator from Alabama has modified the resolution presented by him on yesterday, and now asks for its adoption. The resolution as modified will be read.

The Secretary read the resolution as modified, as follows:

Resolved, That it is referred to the Committee on Interoceanic Canals to inquire, with all reasonable diligence, and to report by bill or otherwise—

First. Whether it is necessary and is consistent with public policy and proper economy that the business and property of the Panama Railroad should continue to be held or conducted under and in accordance with the charter of the Panama Railroad Company enacted by the legislature of the State of New York and should remain under the legislative or other control of that State, or whether the control of said railroad and of all property held or controlled in its name or in connection with it should be placed under the jurisdiction and control and in the possession of the Isthmian Canal Commission or other lawful authority in the Panama Canal Zone subject to the authority of Congress.

Second. Whether the Government of the United States should assume the outstanding debts and obligations of the Panama Railroad Company, and what provision should be made for their liquidation or payment.

Third. Whether the Government of the United States has any and what right to stock in the New Panama Canal Company that was issued to the Government of Colombia to the amount of 5,000,000 francs, or to any dividends or payments due on such stock from any funds in the treasury of said canal company.

Fourth. Whether the persons claiming to be members of the board of directors of the Panama Railroad Company hold such places as directors by any lawful tenure or authority, and, if they are not so entitled, whether their appointment as such directors should be sanctioned by the approval of Congress.

The VICE-PRESIDENT. The question is on agreeing to the resolution as modified.

The resolution as modified was agreed to.

LOANS BY NATIONAL BANKS.

Mr. ALDRICH. I ask unanimous consent for the present consideration of the bill (H. R. 8973) to amend section 5200, Revised Statutes of the United States, relating to national banks.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on Finance with an amendment, on page 1, line 12, after the word "fund," to strike out:

Provided, however, That the total of such liabilities shall in no event exceed 20 per cent of the capital stock of the association.

So as to make the bill read:

Be it enacted, etc., That section 5200 of the Revised Statutes of the United States be, and the same is hereby, amended to read as follows:

"SEC. 5200. The total liabilities to any association, of any person, or of any company, corporation, or firm for money borrowed, including in the liabilities of a company or firm the liabilities of the several members thereof, shall at no time exceed one-tenth part of the amount of the capital stock of such associations, actually paid in and unimpaired and one-tenth part of its unimpaired surplus fund. But the discount of bills of exchange drawn in good faith against actually existing values, and the discount of commercial or business paper actually owned by the person negotiating the same shall not be considered as money borrowed."

The VICE-PRESIDENT. The question is on the amendment reported by the Committee on Finance. In the absence of objection, it will be considered as agreed to.

Mr. BAILEY. I object to that, Mr. President.

The VICE-PRESIDENT. Then the question will be on agreeing to the amendment.

Mr. BAILEY. Mr. President, I believe that Congress ought to provide by a suitable law for including a reasonable surplus in the 10 per cent which a bank may loan to one of its customers, but I do not believe that the surplus should be without a limitation.

The trouble with this provision, if the committee amendment should be adopted, is that it will encourage banks to transact their business on a surplus rather than on a capital. To illustrate what I mean, if the bank can treat its surplus in every way precisely as it treats its capital and may loan it without any limitation upon its amount, the temptation would be for men who are about to engage in the banking business to have a small capital and a large surplus, because the money, whether surplus or capital, would be available for all the necessities of the bank without distinction; but when you come to look to the security of the depositors and creditors of the bank there is a very important difference. Stockholders are liable to depositors and creditors of a bank according to the capital stock, and not according to the surplus. Therefore, if the surplus be accorded all the privileges of the capital, the inevitable tendency in this country will be to bank upon surplus and not upon capital.

If I and my associates were about to organize a bank with a million dollars of capital and this bill should become a law, we would not organize with a million dollars capital at all, but we would organize with $100,000 capital and $900,000 surplus. The advantage in so organizing would be that in the event of failure the stockholders would be liable to the creditors and depositors to the extent of $100,000, and no more; whereas if they organized with a capital of $1,000,000 and the bank should fail the stockholders would be liable to the depositors and creditors to the extent of $1,000,000. Now, sir, if a bank organized with $100,000 capital and $900,000 surplus should fail for $500,000 above its assets, the stockholders would respond to the extent of $100,000 only and the creditors would lose $400,000. On the other hand, if it organized with $900,000 capital and $100,000 surplus and it should fail for $500,000, the depositors and creditors would not lose one farthing, assuming that the stockholders were solvent, because the liability of the stockholder to the extent of his holding would be sufficient to liquidate the entire debt.

We have what is said to be the safest banking system in the world. I doubt that; but certainly it is the safest banking system that this country has ever known. The only criticism which is now heard against it is that in its practical operation it lacks elasticity, but it must be remembered that its very want of elasticity is one of the things that insures its safety. Either we ought to repeal that part of the law which limits the liability of the stockholder to the capital and include the surplus or else we ought not to encourage the accumulation of a surplus without limit. Not only, Mr. President, is it wrong looking to the creditors of the bank, but it is not altogether safe if you look merely to the stockholders themselves. A bank is organized; a majority control it; and that majority persistently and continually accumulates a surplus instead of dividing the profits of the bank in the shape of dividends. It may happen that the majority are well able to forego their dividends and permit their accumulation as a surplus, but it may also happen that the minority can not pursue that course with the same convenience.

Mr. President, if we adopt this committee amendment we encourage all banks in the accumulation of a surplus as against a capital, and we have taken a long step toward impairing the safety of our present banking system. I repeat what I said in the beginning, that some law of this kind ought to be passed. I am willing to accord this privilege to a surplus equal to the capital stock. The effect of that would be to reduce actually the liability of a stockholder to 50 per cent, whereas the law made it, and the law ought to have made it, equal to 100 per cent; but I am not willing to see a bill pass, and it can not pass except over my protest, that puts a premium upon the accumulation of a surplus, thus relieving stockholders against their personal liability. That personal liability has heretofore been regarded as a very important element in the credit of all banks and in the operation of the national banking system, and it ought not either to be impaired, reduced, or eliminated.

Mr. ALDRICH. Mr. President, the Finance Committee are unanimous in their approval of the provisions of the bill that enlarge the limit of individual loans by national banks from 10 per cent of the capital, as fixed by existing law, to 10 per cent of the capital and surplus. The Senator from Texas [Mr. BAILEY] believed, and in this differed with the committee, that a further limitation should be placed upon the total amount to be loaned to any one party, and that this amount should not in any case exceed 20 per cent of the capital stock of the bank. He contends that the bill, without this further limitation, reduces the relative liability of the stockholders to creditors.

It is true, as he suggests, that the law as it now stands imposes, in case of failure, a further liability upon stockholders of national banks equal to the amount of capital stock held by them, but I suggest to him that neither the bill nor the amendment proposes to change or reduce that liability.

Mr. BAILEY. I know; but the Senator from Rhode Island agrees that a stockholder is liable to the amount of his stock, and is not liable at all upon the surplus.

Mr. ALDRICH. He is not now, and there is no suggestion to change that liability. The liability remains the same whether the House bill be accepted without amendment or whether the action of the Senate committee in amending it is sustained.

Mr. BAILEY. That is true, Mr. President, but the House bill limiting a loan to 20 per cent of the capital stock where the surplus is sufficient to justify it, still discourages the accumulation of a surplus, because it does not permit the surplus to be used under the same privileges as the capital. So far as the liability is concerned, of course that liability rests upon the capital, and not upon the surplus under the present law, as it will under this. I am not now asking for a change in that respect; I am only insisting that there be a limitation placed in this bill so as not to encourage the accumulation of a surplus as against the investment of capital.

Mr. ALDRICH. The liability of stockholders of the bank to its creditors remains the same in any event; it is also true that the surplus is always available for the creditors of the bank in case of failure. The only question is whether we should put upon loans which may be made by a bank having a large surplus a limit based upon the capital alone and not one based upon both the capital and surplus.

The theory of the bill, as reported by a majority of committee, is that it is perfectly safe banking to loan to any one person found worthy of credit 10 per cent of the capital and accumulated surplus of the bank. The Senator from Texas objects on the ground that some loans might be authorized by banks having a large surplus in excess of 20 per cent of their capital stock. I will say, further, that banks can, under the present law, do the very thing the Senator most strenuously objects to.

Mr. BAILEY. They can not do what I object to now. No bank can now lend over 10 per cent of its capital, without reference to its surplus. It might have a $100,000 capital and $1,000,000 surplus, giving it assets of $1,100,000, but it could make no loan legally or according to the regulations over $10,000 to one customer. If you pass this bill as reported by the committee, it can loan him $110,000. I do not object——

Mr. ALDRICH. Does the Senator think that it would be unsafe banking?

Mr. BAILEY. I do. If the personal-liability element is valuable, then it is not right to let a bank employ $1,100,000 of assets with a personal liability of only $100,000.

Mr. ALDRICH. But the Senator himself does not propose to change that liability, and it will not be changed if this amendment is rejected.

Mr. BAILEY. No; I do not propose to change the liability, because I know I could not do it, but I am protesting against an amendment of the law in this respect when it does not

make the stockholders answerable for any part of the surplus. For instance, I illustrate it in this way: Here is a bank in this country with $300,000 capital and $7,000,000 of surplus, all earned in the business, the Senator from New Jersey [Mr. KEAN] says. I commend the thrift that with a small capital earns a large surplus. I think it would have been a little better to have distributed it among the people who own the stock, but that is none of my affair. Probably every stockholder was willing to accumulate it, and so it passes without any just criticism. But that bank, if it should fail to-morrow, would fail for an enormous sum. I know that it is not within the range of probability that it will ever fail, because it is one of the financial institutions in this country, I understand, conservatively managed and marvelously successful. But if it should fail, it would fail for a sum running into the millions, and when the Comptroller of the Currency called on the stockholders to meet its obligation to its creditors, he would get the sum of $300,000, a beggarly sum in comparison with the $7,000,000 surplus and the $300,000 capital upon which the bank had been transacting business.

Mr. ALDRICH. The Senator from Texas misunderstood my statement that banks do the thing he objects to under the present law. I referred to his suggestion that under the pending bill as we proposed to amend it a bank could be organized with $100,000 capital and $900,000 surplus, with an extra liability, a double liability, on the part of the stockholders of only $100,000. The same thing could be done with the same limited liability under existing law. The only question at issue is whether we should, as a matter of policy, allow a bank thus organized to loan not more than 10 per cent of its capital and surplus to one party; whether that is good and safe banking. That is the sole question.

Mr. BAILEY. I know, but the Senator from Rhode Island overlooks a point, or else for some reason I am incapable of understanding what I am trying to say. As the law stands to-day, they organize a bank with $1,000,000—$100,000 capital and $900,000 surplus. They could only loan to one person——

Mr. ALDRICH. Ten thousand dollars.

Mr. BAILEY. They could loan $10,000, which would be 10 per cent of its hundred-thousand-dollar capital. But if it is organized under this amendment, then they could loan $100,000 to one customer. In other words, they only loan 10 per cent of the capital and surplus to one man. Thus they could loan to one man the entire personal liability of the stockholders. That is what I object to. I do not care only about them loaning the money so much, but when they loan one man $100,000, if it is lost they exhaust the entire personal liability of all the stockholders. That ought not to be done.

Mr. ALDRICH. The Senator understands that this liability accrues only in case of insolvency.

Mr. BAILEY. Certainly.

Mr. ALDRICH. Cases have been very rare where that double liability has been enforced.

Mr. BAILEY. If the Senator will go to the records, he will find that while it has not been frequent, it has happened in a number of instances that stockholders have been assessed.

Mr. ALDRICH. The committee differ with the Senator from Texas as to the policy that should be pursued toward the banks in this regard. A large majority of the committee believe that it is desirable from every standpoint to encourage the creation of a surplus on the part of national banks. Of course that surplus in any event is always liable for outstanding debts. We do not believe that the difference in liability is one of practical value—that is, when loans are limited to 10 per cent of the actual capital, the unimpaired capital, and 10 per cent of the unimpaired surplus. I think no harm can come to any creditor of any bank or to any bank through the adoption of the amendment as it was reported by the committee. But I am extremely anxious that this bill should become a law. It ought to pass at this session. There is a general demand for it from the business interests of the whole country, and I am willing to make some concessions that are not approved by my judgment in order to secure this result.

Mr. BAILEY. I think it ought to pass, but I think it ought to pass in the right way.

Mr. ALDRICH. I had some conference with the Senator from Texas yesterday upon this subject, and I am willing that the bill should be modified so as to make the proviso read:

Provided, however, That the total of such liabilities shall in no event exceed 30 per cent of the capital stock of the association.

Mr. TALIAFERRO. Mr. President——

The VICE-PRESIDENT. Does the Senator from Texas yield to the Senator from Florida?

Mr. TALIAFERRO. I merely wanted to ask the Senator from Rhode Island a question. I was not aware that the Senator from Texas had the floor.

I hope that the modification suggested by the Senator from Rhode Island will not prevail, and that the amendment as proposed by the committee will stand. I understand that the purpose of the bill, if the Senator from Texas will pardon me for a moment, is to correct to some extent a very bad practice which now prevails among the banks, and that is of disregarding the 10 per cent limitation as provided by law, and I am informed that if this bill becomes a law the Comptroller will see that the banks adhere to the law as this bill provides. It is impossible for the banks of this country as a rule to do business on 10 per cent of the capital.

Mr. BAILEY. If the Comptroller of the Currency intends to adhere to any such determination as that, he will tie up business in almost every section of the country. Take it in my section of the country. During the cotton season it would be absurd to attempt to limit the line of credit to responsible cotton men to 10 per cent of the bank's capital and surplus, because it requires more than that in the daily transactions before he can buy and sell, and the banks really run no risk, because the cotton man has his own deposit there, and every pound of cotton he buys goes to the bank as security.

Mr. TALIAFERRO. The Senator from Texas misunderstood me. I did not mean to say that the Comptroller of the Currency would hold the banks to the 10 per cent rule as it exists to-day. I understand the Comptroller has recommended this change of the law, and he takes the position that if the law is so changed he will require the banks to adhere to it. I think it is a wise provision, and I hope the committee amendment may be allowed to stand as it has come to the Senate.

Mr. BAILEY. The trouble with that would be that in certain parts of the country, where the banks are not able to go on accumulating from year to year these enormous surpluses, there would be practically little benefit; and if I thought the Comptroller of the Currency intended to enforce that rule, I would feel it my duty to employ every legitimate means to defeat this bill, because in the cotton States of the South few banks have a surplus equal to their capital, and therefore the extension of the privilege of the 10 per cent loan to the surplus would not meet the conditions that exist there.

My own opinion is that this restriction was originally put into the banking law when loans were made largely on personal credit. I do not believe that it would have ever been insisted that when a man offered to the bank securities which could be realized on without any serious delay this restriction should be enforced. I have never myself been a supporter of the national banking system. I have never believed that the banks ought to issue currency. I have always regarded that as a function of the Government. Nor have I ever been able to reconcile myself to the idea of sending out a $3,000 examiner to tell a $20,000 bank president how to run his bank. I have rather inclined to the belief that when a man puts his money in a bank he ought to trust the honesty and integrity of its officers as he must trust the honor and integrity of other men.

But my views never have prevailed on that question, and so I am bound to legislate, so far as I legislate at all, according to the conditions as they are and not according to the conditions I wish existed. Fearing, Mr. President, that I may not be able to secure any limitation at all, and believing that a limitation is very important, I accept the suggestion of the Senator from Rhode Island that we reject the committee's amendment, which removes all limitation as to the surplus, and make it 30 per cent. That gives the bank the right to treat its surplus the same as capital in making loans to the extent of twice its capital. I hold to the personal liability for two reasons. Not only does it help to reimburse the depositors and to pay the creditors when there is a bank failure, but it makes the men who are stockholders and directors in a bank much more careful when they understand that they have a personal liability beyond and in addition to the loss of their stock.

I am disposed to think that it would be an excellent idea to make the directors liable for capital and surplus. Then I would be willing to remove the restriction as is here provided; but apparently that can not be done. Of course they must lose the surplus before there can be any assessment against them, but the trouble is they put in $100,000 and call it "capital," and they put in $900,000 and call it "surplus." When the bank fails, if it does fail, the stockholders are personally liable to the extent of $100,000 and personally exempt to the extent of the other $900,000. If it were reversed, and they should put in $900,000 of capital and $100,000 of surplus and the bank failed, the stockholders would be liable for $900,000 in addition to their stock, and would only be exempt to the extent of $100,000. What I complain of is that a large surplus is a large

exemption of personal liability in favor of the stockholders. But I am willing to accept the suggestion of the Senator from Rhode Island as the best that can be done.

The VICE-PRESIDENT. The Secretary will state the amendment.

The SECRETARY. It is proposed to modify the language proposed to be stricken out by striking out "twenty" and inserting "thirty," and to disagree to the amendment.

The VICE-PRESIDENT. Without objection, the amendment to the amendment is agreed to.

Mr. TALIAFERRO. Mr. President, I hope the amendment will not prevail. I am satisfied that the banks of the country, and especially the banks of the South, will be unable to do the business of their sections under a limitation such as is proposed in this modified amendment. As a rule, the banks of the South have organized with small capital. They have relied on building up a surplus, and it is considered good banking that the surplus should be built up as rapidly as possible. Some of these national banks have a capital of $25,000, and others $50,000, and if they are confined by such a provision as this, they will be totally unable to do the business of their section, because the Comptroller has personally notified me that he will require the banks to adhere to this proposed law if it passes the Congress. He is not requiring them as vigorously to adhere to the existing law as might be done, for the reason that it has become the habit with the banks of the country to disregard the 10 per cent limitation to a certain extent, but he says that if this bill passes he will take it as a direction and he will not allow banks to exceed the amount which this proposed act authorizes them to loan.

I hope, therefore, in the interest of banking all over the country, and particularly in the South, that the proviso as modified will be stricken out.

The VICE-PRESIDENT. The question is on agreeing to the amendment as modified.

Mr. PETTUS. I desire to know on what sound principle it is proposed to strike out the provision as it came from the House, limiting it to 20 per cent?

Mr. TALIAFERRO. I understand that is the House provision, and the amendment comes from the Senate committee.

Mr. PETTUS. The amendment to strike it out comes from the Senate committee.

Mr. TALIAFERRO. Yes.

Mr. PETTUS. I desire to know on what sound principle it is proposed to strike it out.

Mr. TALIAFERRO. It is considered absolutely good banking that a bank of large accumulated earnings in the form of surplus should be allowed to treat the surplus in part as capital in the matter of making loans. I see nothing unsound about that banking principle. I think it is sound; and I think it is one which is essential in doing business in this country, and especially in the section to which the Senator from Texas has referred.

Mr. PETTUS. Suppose they have not any large surplus?

Mr. TALIAFERRO. If they have no surplus they can not loan it.

Mr. PETTUS. They are still authorized to loan to one man double the present amount.

Mr. TALIAFERRO. Not at all. If they have no surplus, they will be confined to the present law as to capital, which is one-tenth.

Mr. PETTUS. As I understand this bill, if they have a capital of a hundred thousand dollars only and no surplus, they would still be authorized to loan $20,000 to one man.

Mr. TALIAFERRO. I do not understand the bill in that way.

Mr. PETTUS. That is the way it reads.

Mr. TALIAFERRO. I understand that a bank without a surplus would be allowed to loan 10 per cent of its capital.

Mr. PETTUS. This does not say a word about having or not having a surplus.

Mr. TALIAFERRO. The banks under this bill would be allowed to treat the surplus as capital, and make a 10 per cent loan on the whole.

Mr. PETTUS. This does not say a word about having a surplus or not having a surplus.

Mr. TALIAFERRO. This is an amendment of existing law.

Mr. PETTUS. The amendment commences with the last word on the first page of the bill.

The VICE-PRESIDENT. The question is on agreeing to the amendment as modified.

Mr. TALIAFERRO. On that I ask for a division.

The VICE-PRESIDENT. The Senator from Florida asks for a division.

Mr. ALDRICH. We may as well have the yeas and nays, I think.

The VICE-PRESIDENT. The yeas and nays are demanded.

Mr. BACON. I beg the Chair to state the immediate matter to be voted upon.

The VICE-PRESIDENT. The Secretary will again state the amendment.

The SECRETARY. The committee amendment proposes to strike out the following:

Provided, however, That the total of such liabilities shall in no event exceed 30 per cent of the capital stock of the association.

Mr. BACON. I understood the Chair to say that the question was on agreeing to the amendment as modified.

The SECRETARY. The modification was to strike out "twenty" and insert "thirty;" and it is proposed to disagree to the amendment to strike out the proviso as modified.

Mr. TELLER. The Senator from Rhode Island had better explain the amendment. I was going to do so, but I see the Senator from Rhode Island is here.

Mr. ALDRICH. What is the question of the Senator from Georgia?

Mr. BACON. I was inquiring as to what is the precise question before the Senate. I knew that the Senator from Florida was opposed to the modification, and that is the matter upon which he desired a division. The question as stated by the Chair treated the modification as one which had been adopted, and therefore the matter before the Senate was not the adoption of the modification, but the amendment as thus amended. I was uncertain whether that particular presentation was correct.

Mr. ALDRICH. I am not sure just how the Presiding Officer stated the question.

The VICE-PRESIDENT. The Chair understands that the Senator from Rhode Island moved that the Senate strike out the word "twenty" in the part proposed to be stricken out and insert in lieu thereof the word "thirty."

Mr. ALDRICH. That is right.

The VICE-PRESIDENT. And then to disagree to the Senate amendment to strike out. That is the question.

Mr. BAILEY. I thought the amendment substituting "thirty" for "twenty" had been agreed to. I understood the Senator from Florida to be opposing any limitation with respect to the surplus. Now, if I could vote as between twenty and thirty, I should vote for twenty, the House provision; that is, if there is to be a contest. If there is an understanding, of course, I would abide by the understanding. If there is now to be a vote between no limitation as advocated by the Senator from Florida——

Mr. TALIAFERRO. No limitation beyond the 10 per cent.

Mr. BAILEY. What I am trying to do is to prevent the accumulation of a surplus which exempts the stockholders of banks from personal liability. And that is the whole purpose I have. Now, if there is to be no limitation as the Senate committee reported, of course on that I will vote "no," because I am opposed to it. But my understanding is that the question now is upon the adoption of the amendment as amended.

Mr. ALDRICH. I suppose the first question is to strike out "twenty" and insert "thirty."

The VICE-PRESIDENT. The first question is to perfect the part to be stricken out.

Mr. ALDRICH. That is right.

The VICE-PRESIDENT. And the next question will be on agreeing to the amendment of the committee to strike out the proviso.

Mr. ALDRICH. The first question will be whether we will insert "thirty" instead of "twenty," and then the question will come on striking out the whole proviso.

Mr. BAILEY. The Senator from Florida would want thirty as against twenty.

Mr. TALIAFERRO. I understood the Chair to hold that the amendment as modified by the Senator from Rhode Island had been adopted by the Senate. I asked for a division on the question of the adoption of his modification. That was my purpose.

Mr. BAILEY. That is right.

Mr. TALIAFERRO. I hold that the division or the yea-and-nay vote is to determine whether the amendment as modified by the Senator from Rhode Island shall be adopted by the Senate.

Mr. TELLER. It has not yet been modified.

Mr. CULLOM. That is the question.

Mr. BACON. Mr. President——

Mr. KEAN. Why can we not vote on the committee amendment first?

The VICE-PRESIDENT. The Chair will put the question again, if desired, upon the amendment of the Senator from Rhode

Island, to strike out in the part proposed to be stricken out the word "twenty" and inserting "thirty."

Mr. TALIAFERRO. The question is whether the Senate will accept the amendment of the Senator from Rhode Island, to insert "thirty" instead of "twenty," as the House provided. That is the way I understand it.

Mr. KEAN. Why should we not first vote on the amendment reported by the committee?

The VICE-PRESIDENT. The Chair thinks there will be no difficulty if Senators will note carefully the text of the bill, and will also observe the effect of the motion of the Senator from Rhode Island, which is to strike out "twenty" and insert "thirty" in the part proposed to be stricken out. The Chair will put that question, in order that there may be no misunderstanding.

Mr. PATTERSON. I desire, if there is to be a yea-and-nay vote, that some Senator familiar with the measure shall briefly state what the measure is and what the vote is upon. Several Senators have come in since this discussion has been under way.

The VICE-PRESIDENT. The question is on agreeing to the motion of the Senator from Rhode Island, to strike out "twenty" and insert "thirty."

The amendment was agreed to.

The VICE-PRESIDENT. The question recurs on agreeing to the amendment to strike out the proviso as amended.

Mr. PETTUS. Were not the yeas and nays ordered?

The VICE-PRESIDENT. Not upon this question, as the Chair understood. The question is on agreeing to the motion to strike out the proviso.

Mr. KEAN. Let us have a division.

Mr. BAILEY. I ask that the proviso may be read as modified.

The SECRETARY. After the word "fund," in line 12, on page 1——

Mr. PETTUS. Was not a yea-and-nay vote ordered?

The VICE-PRESIDENT. A yea-and-nay vote has not been ordered.

The SECRETARY. After the word "fund," in line 12, page 1, it is proposed to strike out:

Provided, however, That the total of such liabilities shall in no event exceed 30 per cent of the capital stock of the association.

Mr. CULLOM. That is it.

Mr. BAILEY. If the Senate strikes that out, it will remove every limitation.

Mr. ALDRICH. It will remove them all.

The VICE-PRESIDENT. The question is on agreeing to the amendment as modified. [Putting the question.] In the opinion of the Chair, the "noes" have it.

Mr. KEAN. Let us have the yeas and nays.

Mr. SPOONER. The yeas and nays are demanded on what?

Mr. BLACKBURN. On the motion to strike out the proviso.

The VICE-PRESIDENT. To strike out the proviso as amended.

Mr. RAYNER. Is there a second to the demand for the yeas and nays?

The VICE-PRESIDENT. The Chair will ask if there is a second.

The yeas and nays were ordered; and the Secretary proceeded to call the roll.

Mr. MILLARD (when Mr. BURKETT's name was called). My colleague [Mr. BURKETT] is necessarily absent from the city. If he were here, he would vote "yea."

The roll call was resumed.

Mr. GALLINGER. Mr. President, I rise to a point of order. The confusion is so great in the Chamber that no one can hear the responses.

The VICE-PRESIDENT. The roll call will be suspended until Senators take their seats. The Chair must request Senators to kindly preserve order.

Mr. PATTERSON. Mr. President, the trouble about the Senate is that the Senate is in profound ignorance of the question that is now being voted upon, as I am——

Mr. GALLINGER. Debate is not in order.

Mr. TELLER. Mr. President——

The VICE-PRESIDENT. Debate is not in order. The roll call has begun, and it must proceed.

Mr. PATTERSON. I simply want to ask a parliamentary question, whether or not it will be in order——

The VICE-PRESIDENT. No debate is in order.

Mr. PATTERSON. I rise to a parliamentary inquiry.

Mr. GALLINGER. Let the roll call proceed.

Mr. ALDRICH. The Senator can not interrupt the roll call.

The VICE-PRESIDENT. The Senator from Colorado is out of order.

Mr. PATTERSON. May I ask the Chair a parliamentary question?

The VICE-PRESIDENT. The Chair has said to the Senator that he is out of order.

Mr. PATTERSON. Then I will take my seat.

The roll call was resumed.

Mr. PETTUS (when his name was called). I am paired with the junior Senator from Massachusetts [Mr. CRANE].

Mr. SIMMONS (when his name was called). I have a general pair with the junior Senator from Minnesota [Mr. CLAPP].

The roll call was concluded.

Mr. BLACKBURN. I desire to state that my colleague [Mr. MCCREARY] is necessarily absent from the city.

Mr. TILLMAN. My colleague [Mr. LATIMER] is necessarily absent from the Senate, and is paired with the Senator from Illinois [Mr. HOPKINS].

Mr. WARREN. I desire to state that my colleague [Mr. CLARK of Wyoming] is necessarily absent from the city to-day.

Mr. SCOTT. If it were in order, I should like to know what this amendment contemplates. I should like to vote, but I do not know——

The VICE-PRESIDENT. The Senator is out of order.

The result was announced—yeas 24, nays 27, as follows:

YEAS—24.

Ankeny	Hansbrough	Martin	Rayner
Bacon	Kean	Millard	Smoot
Bulkeley	Knox	Nelson	Sutherland
Clarke, Ark.	McCumber	Penrose	Taliaferro
Clay	McEnery	Perkins	Warren
Dryden	McLaurin	Proctor	Wetmore

NAYS—27.

Aldrich	Burnham	Fulton	Patterson
Allee	Carmack	Gallinger	Piles
Bailey	Carter	Kittredge	Spooner
Benson	Cullom	La Follette	Teller
Berry	Dillingham	Long	Tillman
Blackburn	Flint	Mallory	Warner
Brandegee	Foraker	Money	

NOT VOTING—38.

Alger	Daniel	Gearin	Nixon
Allison	Depew	Hale	Overman
Beveridge	Dick	Hemenway	Pettus
Burkett	Dolliver	Heyburn	Platt
Burrows	Dubois	Hopkins	Scott
Clapp	Elkins	Latimer	Simmons
Clark, Mont.	Foster	Lodge	Stone
Clark, Wyo.	Frazier	McCreary	Whyte
Crane,	Frye	Morgan	
Culberson	Gamble	Newlands	

So the amendment to strike out the proviso was rejected.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed, and the bill to be read a third time.

The bill was read the third time, and passed.

JARIB L. SANDERSON.

Mr. TELLER. I ask leave to call up the bill (S. 6214) for the relief of Jarib L. Sanderson.

The Secretary read the bill; and, there being no objection, the Senate, as in Committee of the Whole, proceeded to its consideration. It proposes to pay to Jarib L. Sanderson, of Boulder, Colo., surviving partner of the late firm of Barlow, Sanderson & Co., $7,740, being the amount found by the Secretary of the Interior and the Court of Claims to be the losses sustained by depredations of a band of Cheyenne Indians during hostilities in Kansas and Nebraska in the year 1867, the same to be deducted from annuities now due or hereafter to become due said tribe, this payment being made under treaty stipulations of September 17, 1851.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

AIDS TO NAVIGATION.

Mr. NELSON. I call up the conference report on the bill (H. R. 19432) to authorize additional aids to navigation in the Light-House Establishment. The report was made yesterday.

The Secretary proceeded to read the conference report.

The VICE-PRESIDENT. The conference report has been printed in the RECORD, and unless it is desired it will not be read in full. The question is on agreeing to the conference report.

The report was agreed to.

NATIONAL CHILD LABOR COMMITTEE.

Mr. SPOONER. I ask unanimous consent for the consideration of the bill (S. 6364) to incorporate the National Child Labor Committee.

The Secretary read the bill; and, there being no objection, the Senate, as in Committee of the Whole, proceeded to its consideration.

The bill was reported from the Committee on the Judiciary with an amendment, in section 2, line 11, page 2, before the word "parental," to strike out the words "public opinion and;" so as to make the section read:

SEC. 2. That the objects of the said corporation shall be: To promote the welfare of society with respect to the employment of children in gainful occupations; to investigate and report the facts concerning child labor; to raise the standard of parental responsibility with respect to the employment of children; to assist in protecting children, by suitable legislation, against premature or otherwise injurious employment, and thus to aid in securing for them an opportunity for elementary education and physical development sufficient for the demands of citizenship and the requirements of industrial efficiency; to aid in promoting the enforcement of laws relating to child labor; to coordinate, unify, and supplement the work of State or local child-labor committees, and encourage the formation of such committees where they do not exist.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

PANAMA CANAL.

The VICE-PRESIDENT. The hour of 2 o'clock having arrived, the Chair lays before the Senate the unfinished business, which will be stated by the Secretary.

The SECRETARY. A bill (S. 6191) to provide for the construction of a sea-level canal connecting the waters of the Atlantic and Pacific oceans, and the method of construction.

Mr. DRYDEN obtained the floor.

Mr. GALLINGER. Mr. President——

The VICE-PRESIDENT. Does the Senator from New Jersey [Mr. DRYDEN] yield to the Senator from New Hampshire?

Mr. GALLINGER. I am about to go to a meeting of the conference committee on the District of Columbia appropriation bill, which is going to take a great deal of my time for the next few days. I have in my charge a very trifling bill, and yet it is important in some respects to the District. I ask the Senator from New Jersey to yield to me. If it leads to debate I will withdraw it.

Mr. DRYDEN. If it does not lead to debate I will yield.

DISTRICT OF COLUMBIA SAVINGS BANKS.

Mr. GALLINGER. I ask for the consideration of the bill (H. R. 118) to amend sections 713 and 714 of "An act to establish a code of law for the District of Columbia," approved March 3, 1901, as amended by the acts approved January 31 and June 30, 1902, and for other purposes.

The Secretary read the bill; and there being no objection, the Senate, as in Committee of the Whole, proceeded to its consideration.

The bill was reported from the Committee on the District of Columbia with an amendment, on page 2, line 19, to insert the following proviso:

Provided, however, That banking institutions having offices or banking houses in foreign countries as well as in the District of Columbia shall only be required to make and publish the reports provided for in this section semiannually.

The amendment was agreed to.

Mr. GALLINGER. I have an amendment that I desire to offer to follow the amendment just agreed to.

The SECRETARY. Add after the amendment just agreed to the following additional proviso:

And provided further, That the publications authorized or required by said section 5211 of the Revised Statutes, and all other publications authorized or required by existing law to be made in the District of Columbia, shall be printed in two or more daily newspapers of general circulation published in the city of Washington, one of which shall be a morning newspaper.

The amendment was agreed to.

The VICE-PRESIDENT. There is a further amendment reported by the Committee on the District of Columbia, which will be stated.

The SECRETARY. Strike out all of section 714a, beginning with line 8, page 3, and including line 18, in the following words:

SEC. 714a. The Comptroller of the Currency, with the approval of the Secretary of the Treasury, is further authorized to make rules for the regulation of the banking business within the District of Columbia by the banks mentioned in section 713, and to provide for the enforcement of such regulations by the assessment of reasonable fines, which may be collected by suit before the supreme court of the District of Columbia. The expenses of such suit shall be paid from the proceeds of the fines collected, and the balance shall be annually paid to the Treasurer of the United States.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed, and the bill to be read a third time.

The bill was read the third time, and passed.

LAKE ERIE AND OHIO RIVER SHIP CANAL.

Mr. PENROSE. Mr. President——

The VICE-PRESIDENT. Does the Senator from New Jersey yield to the Senator from Pennsylvania?

Mr. DRYDEN. I yield to the Senator from Pennsylvania.

Mr. PENROSE. I ask unanimous consent that the Erie and Ohio Ship Canal bill shall be taken up for consideration this afternoon after the unfinished business shall have been laid aside.

The VICE-PRESIDENT. The Senator from Pennsylvania asks unanimous consent that after the unfinished business is temporarily laid aside the Senate proceed with the further consideration of the bill (H. R. 14396) to incorporate the Lake Erie and Ohio River Ship Canal, to define the powers thereof, and to facilitate interstate commerce. Is there objection? The Chair hears none, and it is so ordered.

EFFICIENCY OF THE MILITIA.

Mr. HEMENWAY. Mr. President——

The VICE-PRESIDENT. Does the Senator from New Jersey yield to the Senator from Indiana?

Mr. DRYDEN. I yield to the Senator.

Mr. HEMENWAY. I ask unanimous consent for the consideration of the bill (S. 1442) to increase the efficiency of the militia and promote rifle practice. It is a bill that comes by unanimous report from the Committee on Military Affairs. It is a short bill, and, I think, will give rise to no discussion.

Mr. DRYDEN. If it will not lead to debate, I will yield to the Senator.

The VICE-PRESIDENT. The bill will be read for the information of the Senate.

The Secretary read the bill; and there being no objection, the Senate, as in Committee of the Whole, proceeded to its consideration.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

SHILOH ELECTRIC RAILWAY COMPANY.

Mr. MONEY. Mr. President——

The VICE-PRESIDENT. Does the Senator from New Jersey yield to the Senator from Mississippi?

Mr. DRYDEN. I understand that the Senator from Mississippi has a little bill which he would like to bring up. I yield if it will not lead to debate.

Mr. MONEY. I ask consent now because I leave to-morrow. This is a local measure which has passed the House unanimously and passed the Military Committee of the Senate unanimously, and is approved by the Secretary of War and the Park Commission. I ask the Senate to proceed to the consideration of the bill (H. R. 16125) authorizing a license and permit to the Corinth and Shiloh Electric Railway Company to construct a track or tracks through the Shiloh National Park, and to operate electric cars thereon.

The VICE-PRESIDENT. The bill has heretofore been read. Is there objection to its present consideration?

There being no objection, the Senate, as in Committee of the Whole, resumed the consideration of the bill.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

GRAND CANYON FOREST RESERVE.

Mr. SMOOT. Mr. President——

Mr. DRYDEN. I yield to the Senator from Utah if the bill he wishes to call up will not lead to debate, but I want to say now that I shall have to decline to yield further after the Senator from Utah has presented his measure.

Mr. SMOOT. I ask for the present consideration of the bill (S. 2732) for the protection of wild animals in the Grand Canyon Forest Reserve.

The Secretary read the bill; and there being no objection, the Senate, as in Committee of the Whole, proceeded to its consideration.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

PANAMA CANAL.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 6191) to provide for the construction of a sea-level canal connecting the waters of the Atlantic and Pacific oceans, and the method of construction.

Mr. DRYDEN. Mr. President, the Panama Canal problem has reached a stage where a decision should be made to permanently fix the type of the waterway, whether it shall be a sea-level or a lock canal. An immense amount of evidence on the subject has in the past and during recent years been presented

to Congress. An overwhelming amount of expert opinion has been collected, and an International Board of Consulting Engineers has made a final report to the President, in which experts of the highest standing divide upon the question. The Senate Committee on Interoceanic Canals has likewise divided. It is an issue of transcendent importance, involving the expenditure of an enormous sum of money, and political and commercial consequences of the greatest magnitude, not only to the American people, but to the world at large.

The report of the International Board has been printed and placed before Congress. A critical discussion of the facts and opinions presented by this Board, all more or less of a technical and involved nature, would unduly impose upon the time of the Senate at this late day of the session. In addition, there is the testimony of witnesses called before the Senate committee, which has also been printed in three large volumes, exceeding 3,000 pages of printed matter. To properly separate the evidence for and against one type of canal or the other, to argue upon the facts, which present the greatest conflict of engineering opinion of modern times, would be a mere waste of effort and time, since the evidence and opinions are as far apart and irreconcilable as the final conclusions themselves. It is therefore rather a question which the practical experience and judgment of Members of Congress must decide, and I have entire confidence that the will of the nation, as expressed in its final mandate, will be carried into successful execution, whether that mandate be for a lock canal or sea-level waterway.

The Panama Canal presents at once the most interesting and stupendous project of mankind to overcome by human ingenuity "what Nature herself seems to have attempted, but in vain." From the time when the first Spanish navigators extended their explorations into every bay and inlet of the Central American isthmus, to discover, if possible, a short route to the Indies, or "from Cadiz to Cathay," the human mind has not been willing to rest content and accept as insurmountable the natural obstacles on the Isthmus preventing uninterrupted intercommunication between the Atlantic and the Pacific. Excepting, possibly, Arctic explorations, in all the romantic history of ancient and modern commerce, in all the annals of the early navigators and explorers, there is no chapter that equals in interest the never-ceasing efforts to make the Central American Isthmus a natural highway for the world's commerce—a direct route of trade and transportation from the uttermost East to the uttermost West.

As early as 1536 Charles V ordered an exploration of the Chagres River to learn whether a ship canal could not be substituted for a then already existing wagon road, and Philip II, in 1561, had a similar survey made in Nicaragua for the same purpose. From that day to this the greatest minds in commerce and engineering have given their attention to the problem of an interoceanic waterway, and every conceivable plan has been considered, every possible road has been explored, every mile of land and sea have been gone over to find the best possible and practical solution of the problem.

The history of these early attempts is most interesting, but no longer of practical value or bearing upon present-day problems. Most of the efforts were wasted, much of it was ill advised, but the present can profitably consider the more important lessons of the past. It was written in the book of fate that this enterprise, the most important in the world of commerce and navigation, should be American in its ending as it had been in its practical beginning. From the day when the first train of cars crossed the Isthmus from Panama to Aspinwall to facilitate the transportation of passengers and freight across the narrow belt of land connecting the northern and southern continents, the imperative necessity of a ship canal was made apparent, just as that railway had followed the earlier wagon roads of the Spanish adventurers and their followers.

Natural conditions on the Isthmus materially enhance the physical difficulties to be overcome in canal construction. Even the precise locality or section best adapted to the purpose has for many years been a question of serious doubt. The Isthmus of Tehuantepec, the Nicaraguan route, by utilizing a lake of vast extent, and finally the narrow band of land and mountain chain at Panama, each offer distinct advantages peculiar to themselves, with corresponding disadvantages or local difficulties not met with in the others. Many other projects have been advanced; in all, at least some twenty distinct routes have been laid out by scientific surveys, but the most eminent American engineering talent, considering impartially the natural advantages and local obstacles, each upon their respective merits, finally decided upon the Isthmus, between the Bay of Panama and Limon Bay, in 1849, as the most feasible for the building of the railroad, and some fifty years later for the building of the isthmian canal. Every further study, survey, and inquiry have confirmed the wisdom of the earlier choice, which has been adopted as the best and the permanent plan of the American Government to build a canal at the expense of the nation, but for the ultimate benefit of all mankind.

The Panama Railway marked the beginning of a new era in the history of interoceanic communication. The great practical usefulness of the road soon made the construction of a canal a commercial necessity. The eyes of all the world were upon the Isthmus, but no nation made the subject a matter of more profound study and inquiry than the United States. One surveying party followed another, and every promising project received careful consideration. The conflicting evidence, the great engineering difficulties, the natural obstacles, and, most of all, the civil war delayed active efforts, but public interest continued to view the project with favor and demand an American canal.

During the late seventies a French commission made surveys and investigations on the Isthmus which terminated in the efforts of De Lesseps, who undertook to construct a canal, and, in 1879, called an international scientific congress to consider the project in all its aspects and determine upon a practical solution. The United States was invited to be present by two official delegates, and accordingly President Hayes appointed Admiral Ammen and A. C. Menocal, of the United States Navy, both of whom had been connected with surveys and explorations on the Isthmus. Mr. Menocal presented his plan for a canal by way of Nicaragua, but it was evident that the Wyse project, of a canal by way of the Isthmus of Panama, had the majority in its favor, and the only question to determine was whether the canal to be constructed should be a sea-level or a lock canal. The American delegates were convinced, in the light of their knowledge and experience, that a sea-level canal would be impracticable, if not impossible. In this they were seconded by Sir John Hawkshaw, thoroughly familiar with canal problems, and who exposed the hopelessness of an attempt to make a sea-level ship canal, pointing out that there would be a cataract of the Chagres River at Matachin of 42 feet, which in periods of flood would be 78 feet high, of a body of water that would be 36 feet deep, with a width of 1,500 feet. Opposition to the sea-level project proved to no purpose.

The facts were ignored or treated with indifference by the French, who were determined upon a canal at Panama and at sea level, resting their conclusions upon the success at Suez, with which enterprise, in addition to De Lesseps, many of those present at the congress had been connected. But the problems and conditions to be met on the Isthmus of Panama were decidedly different from those at Suez, and subsequent experience proved the serious error of the sea-level plan as finally adopted. The congress included a large assemblage of nonprofessional men, and of the French engineers present only one or two of whom had ever been on the Isthmus. The final vote was seventy-five in favor of and eight opposed to a sea-level canal. Rear-Admiral Ammen said: "I abstained from voting on the ground that only able engineers can form an opinion *after careful study* of what is actually possible and what is relatively economical in the construction of a ship canal." Of those in favor of a sea-level canal not one had made a practical and exhaustive study of the facts. The project at this stage was in a state of hopeless confusion. In spite of these obstacles, De Lesseps, with undaunted courage, proceeded to organize a company for the construction of a sea-level canal.

As soon as possible after the adjournment of the Scientific Congress of 1879 the Panama Canal Company was organized, with Ferdinand de Lesseps as president. The company purchased the Wyse concession, and by 1880 sufficient funds had been secured to proceed with the preliminary work. The next two years were used for scientific investigation, surveys, etc., and the actual work commenced in 1883. The plan adopted was for a sea-level canal, having a depth of 29.5 feet and a bottom width of 72 feet. This plan in outline and intent was adhered to practically to the cessation of operations in 1888.

In that year operations came to an end for want of funds. The failure of the company proved disastrous to a very large number of shareholders, mostly French peasants of small means, and for a time the cause of interoceanic communication by way of Panama seemed hopeless. The experience proved the utter impossibility of private enterprise carrying forward a project which had attained a stage where large additional funds were needed to make good enormous losses due to errors in plans, miscarriage of effort, and last, but not least, to fraud on a stupendous scale. With admirable courage, however, the affairs of the old company were reorganized after the appointment of a receiver on February 4, 1889. Proceeding this time

with extreme caution, a special scientific commission was appointed to reinvestigate the entire project and report upon the work actually accomplished and its value in future operations.

The commission, made up of eminent engineers, rendered its report on May 5, 1890. The recommendation was for the construction of a canal with locks, the abandonment of the sea-level idea, and a further and more careful reconsideration of the facts on a large scale, upon the ground that the accumulated data were "far from possessing the precision essential to a definite project." This lifted the subject of canal construction out of the domain of preconceived ideas and guesswork into the substantial field of a scientific undertaking for commercial purposes.

The subsequent history of the De Lesseps project and the American effort for a practicable route across the Isthmus are still fresh in our minds and require not to be restated. The Spanish-American war and the voyage of the *Oregon* by way of Cape Horn more than any other causes combined to direct the attention of the American people to conditions on the Isthmus, and led to the public demand that by one route or another an American waterway should be constructed within a reasonable period of time and at a reasonable cost. It will serve no practical purpose to recite the facts and chain of events which led to the passage of the act of March 3, 1899, which authorized the President to have a full and complete investigation made of the entire subject of isthmian canals.

A million dollars was appropriated for the expenses of the Commission, and in pursuance of the provisions of the act the President appointed a Commission consisting of Rear-Admiral Walker, United States Navy, president, and nine members eminent in their respective professions as experts or engineers. A report was rendered under date of November 30, 1901. In this report the cost of constructing a canal by way of Nicaragua was estimated at $189,864,062, and by way of Panama at $184,233,358, including in the last estimate $40,000,000 for the estimated value of the rights and property of the New Canal Company. The company, however, held its property at a much higher value, or some $109,000,000, which the Commission considered exorbitant, and thus the only alternative was to recommend the construction of a canal by way of the Nicaraguan route. Convinced, however, that the American people were in earnest, the New Panama Company expressed a willingness to reconsider the matter, and finally agreed to the purchase price fixed by the Isthmian Commission.

By the Spooner Act, passed June 28, 1902, Congress authorized the President to purchase the property of the New Panama Canal Company for a price not exceeding $40,000,000, the title to the property having been fully investigated and found valid. The Isthmian Commission, therefore, recommended to Congress the purchase of the property, but the majority of the Senate Committee on Interoceanic Canals disagreed, and it is only to the courage and rare ability of the late Senator Hanna and his associates, as minority members of the committee, that the nation owes it that the Nicaraguan project was abandoned and that the Panama Canal was acquired at a reasonable price and made a national enterprise.

The report of the minority members of the Senate committee was made under date of May 31, 1902. It is, without question, a most able and comprehensive dissertation upon the subject, and forms a most valuable addition to the truly immense literature of isthmian canal construction. The report was signed by Senators Hanna, Pritchard, MILLARD, and KITTREDGE. "We consider," said the committee, "that the Panama route is the best route for an isthmian canal to be owned, constructed, controlled, and protected by the United States." It was a bold challenge of the conclusions of the majority members of the committee, but in entire harmony with, and in strict conformity to, the views and final conclusions of the Isthmian Commission. The minority report was accepted by the Congress and a canal at Panama became an American enterprise for the benefit of the American people and the world at large.

Such, in broad outline, is the present status of the Panama Canal. A grave question presents itself at this time, which demands to be disposed of by Congress, and to which all others are subservient. Shall the waterway be a sea-level or a lock canal? It is a question of tremendous importance—a question of choice equally as important as the one of the route itself. A choice *must* be made, and it must be made soon. All the subsidiary work, all the related enterprises, depend upon the fundamental difference in type. Opinions differ as widely to-day as they did at the time when the project was first considered by the international committee in 1879. Engineers of the highest standing at home and abroad have expressed themselves for or against one type or the other, but it is a question upon which no complete agreement is possible. In theory a sea-level canal has unquestionable advantages, but practically the elements of cost and time necessary for the construction preclude to-day, as they did in 1894, when the new canal company recommenced active operations, the building of a sea-level canal. It is *not a question of the ideally most desirable, but of the practically most expedient*, that confronts the American people and demands solution.

The New Panama Canal Company had approved the lock plan, which placed the minimum elevation of the summit level at 97.5 feet above the sea and a maximum level at 102.5 feet above the same datum. In the words of Prof. William H. Burr:

> It provided for a depth of 29.5 feet of water and a bottom width of canal prism of about 98 feet, except at special places where this width was increased. A dam was to be built near Bohio, which would thus form an artificial lake, with its surface varying from 52.5 to 65.6 feet above the sea. The location of this line was practically the same as that of the old company. The available length of each lock chamber was 738 feet, while the available width was 82 feet, the depth in the clear being 32 feet 10 inches. The lifts were to vary from 26 to 33 feet. It was estimated that the cost of finishing the canal on this plan would be $101,850,000, exclusive of administration and financing.

The Isthmian Commission of 1899–1901 considered the project, reexamined into the facts, and, as stated by Professor Burr—

> The feasibility of a sea-level canal, but with a tidal lock at the Panama end, was carefully considered by the Commission, and an approximate estimate of the cost of completing the work on that plan was made. In round numbers this estimated cost was about $250,000,000, and *the time required to complete the work would probably be nearly or quite twice that needed for the construction of a canal with locks.* The Commission therefore adopted a project for the canal with locks. Both plans and estimates were carefully developed in accordance therewith.

Professor Burr, *now* in favor of a sea-level canal, *then* concurred in the report in favor of a lock canal.

Since the Panama Canal became the property of the nation a vast amount of necessary and preliminary work has been done preparatory to the actual construction of the canal. A complete civil government of the Canal Zone has been established, an army of experts and engineers has been organized, the work of sanitation and police control is in excellent hands, and the Isthmus, or, more properly speaking, the Canal Zone, is to-day in a better, cleaner, and healthier condition than at any time in its history. A considerable amount of excavation and necessary improvements in transportation facilities has been carried to a point where further work must stop until the Isthmian Commission knows the final plan or type of the canal. The reports which have been made of the work of the Commission during its two years of actual control are a complete and affirmative answer to the question whether what has been done so far has been done well and wisely, and the facts and evidence prove that the present state of affairs on the Isthmus are in all respects to the credit of the nation.

Now, it is evident that the question of plan or type of canal is largely one for engineers to determine, but even a layman can form an intelligent opinion, without entering into all the details of so complex a problem as the relative advantage or disadvantage of a sea-level versus a lock canal. This much, however, is readily apparent, that a sea-level canal will cost a vast amount more money and may take twice the time to build, while it will not accommodate a larger traffic or ships of a larger size. A lock canal can be built which will meet all requirements; it can be built deep enough and wide enough to accommodate the largest vessels afloat; it can be so built that transit across the Isthmus can be effected in a reasonably short period of time—in a word, it is a practical project, which will solve every pending question involved in the construction of a transisthmian canal in a practical way, at a reasonable cost, and within a reasonable period of time.

To determine the question the President appointed an international Board of Consulting Engineers. The Board was constituted of the world's foremost men in engineering science, and the report is without question a most valuable document. The President, in his address to the members of the Board on September 11, 1905, outlined his views with regard to the desirability of a sea-level canal, if such a one could be constructed at a reasonable cost and within a reasonable time.

> If to build a sea-level canal—
>
> He said—
>
> will but slightly increase the risk and will take but little longer than a multilock high-level canal, this, of course, is preferable. But if to adopt the plan of a sea-level canal means to incur great hazard and to incur indefinite delay, then it is not preferable.

The problem as viewed by the American people could not be more concisely stated. Other things equal, a sea-level canal, no doubt, would be preferable; but it remains to be shown that such a canal would in all essentials provide safe, cheap, and earlier navigation across the Isthmus than a lock canal.

For, as the President further said on the same occasion, there are two prime considerations: First, the utmost practical speed of construction; second, the practical certainty that the pro-

posed plan will be feasible; that it can be carried out with the minimum risk; and in conclusion that—

There may be good reason why the delay incident to the adoption of a plan for an ideal canal should be incurred; but if there is not, then I hope to see the canal constructed on a system which will bring to the nearest possible date in the future the time when it is practicable to take the first ship across the Isthmus—that is, which will in the shortest time possible secure a Panama waterway between the oceans of such a character as to guarantee permanent and ample communication for the greatest ships of our Navy and for the largest steamers on either the Atlantic or the Pacific. The delay in transit of the vessels owing to additional locks would be of small consequence when compared with shortening the time for the construction of the canal or diminishing the risks in the construction. In short, I desire your best judgment on all the various questions to be considered in choosing among the various plans for a comparatively high-level multilock canal, for a lower-level canal with fewer locks, and for a sea-level canal. Finally, I urge upon you the necessity of as great expedition in coming to a decision as is compatible with thoroughness in considering the conditions.

The Board organized and met in the city of Washington on September 1, 1905, and on the 10th of January, 1906, or about four months later, made its final report to the President through the Secretary of War. The Board divided upon the question of type for the proposed canal, a majority of eight—five foreign engineers and three American engineers—being in favor of a canal at sea level, while a minority of five—all American engineers—favored a lock canal at a summit level of 85 feet. The two propositions require separate consideration, each upon its own merits, before a final opinion can be arrived at as to the best type of a waterway adapted to our needs and requirements under existing conditions.

Upon a question so involved and complex, where the most eminent engineers divide and disagree, a layman can not be expected to view the problem otherwise than as a business proposition which, demanding solution, must be disposed of by a strictly impartial examination of the facts. Weighed and tested by practical experience in other fields of commercial enterprise, it is probably not going too far to say, as in fact it has been said, that there is entirely too much mere engineering opinion upon this subject and not a well-defined concentrated mass of data and solid convictions. It is equally true, and should be kept in mind, that the time given by the Board to the consideration of the subject in all its practical bearings, including an examination of actual conditions on the Isthmus, was limited to so short a period that it would be contrary to all human experience that this report should represent an infallible or final verdict for or against either of the two propositions.

It is necessary to keep in mind certain facts which may be concisely stated, and which I do not think have been previously brought to the attention of Congress. While the Board had been appointed by the President on June 24, 1905, the first business meeting did not take place until September 1, and the final meeting of the full Board occurred on November 24 of the same year. This was the twenty-seventh meeting during a period of eighty-five days, after which there were three more meetings of the American members, the last having been held on January 31, 1906. Thus the actual proceedings of the full Board were condensed into twenty-seven meetings during less than three months, a part of which time—or, to be specific, six days—was spent on the Isthmus.

The minutes of the proceedings have been printed and form a part of the final report made to the President under date of January 10, 1906. They do not afford as complete an insight into the business transactions of the Board as would be desirable, and the evidence is wanting that the subject was as thoroughly discussed in all its details, with particular reference to the two propositions of a sea-level or a lock canal, as would seem necessary. Very important features necessary to the sea-level plan were treated in the most superficial way, guessed at, or wholly ignored. I do not hesitate to say that no banking house in the world called upon to provide the funds necessary for an enterprise of this magnitude as a private undertaking would advance a single dollar upon a project as it is here presented by the majority of the Board to the American Congress as the final conclusion of engineers of the highest standing. The Board, as I have said, divided upon the question and by a majority of eight pronounced in favor of a sea-level against a minority of five in favor of a lock canal. Let us inquire how this conclusion, of momentous importance to the nation, was arrived at and whether the minutes of the Board furnish a conclusive answer.

As early as the sixth meeting, or on September 16—that is, after the Board had been only fifteen days in existence—a resolution was introduced by Mr. Hunter, chief engineer of the Manchester Ship Canal, requesting that a special committee be appointed to prepare at once a project for a sea-level canal.

Mr. SPOONER. What was the date of the resolution with respect to the lock canal?

Mr. DRYDEN. October 3, seventeen days afterwards.

In marked contrast, it was not until after the Board had visited the Isthmus and while the members were on their way home—that is, at sea—on October 3, that, on motion of Mr. Stearns, a corresponding committee was appointed to prepare plans for a lock canal. This recital of dates is of very considerable importance, for it is evident that there was a decided and early preference on the part of certain members of the Board for a sea-level canal, and that to this particular project more attention was given and a more determined attempt was made to secure data in its defense than to the corresponding project for a lock canal.

That is to say, while the special committee for the consideration of a sea-level canal had been appointed on September 16, the corresponding committee to consider the lock project was not appointed until October 3, or seventeen days later, with the additional disadvantage of the Board being on the ocean, with no opportunity to send for persons and papers during the short period of time remaining to take into due consideration all the facts pertaining to a lock canal, for, as I have said before, the last business meeting was held on November 24.

Mr. FORAKER. Mr. President——

The VICE-PRESIDENT. Does the Senator from New Jersey yield to the Senator from Ohio?

Mr. DRYDEN. Certainly.

Mr. FORAKER. I would ask the Senator whether on the 16th of September, when this motion was made by Mr. Hunter, if I remember correctly, the Board of Engineers had completed their investigations and explorations on the Isthmus? I did not observe.

Mr. DRYDEN. No.

Mr. KITTREDGE. Mr. President——

The VICE-PRESIDENT. Does the Senator from New Jersey yield to the Senator from South Dakota?

Mr. DRYDEN. I yield.

Mr. KITTREDGE. If the Senator from New Jersey will permit me, I will be glad to answer the question of the Senator from Ohio. The Board of Consulting Engineers sailed from New York on the 28th of September for the Isthmus and returned about the middle or 20th of October.

Mr. FORAKER. Sailed from the Isthmus?

Mr. KITTREDGE. Sailed from New York for the Isthmus.

Mr. FORAKER. Then the motion was made by Mr. Hunter before the Board of Engineers left the United States.

Mr. KITTREDGE. Certainly; to appoint a committee of investigation.

Mr. DRYDEN. I should like to say at this point that while I have gladly yielded to Senators, I think it is quite probable that before I get through I shall cover any questions that may be asked. I would prefer to complete my remarks, and then I shall be very glad to answer any questions that Senators may choose to ask.

Mr. FORAKER. I beg pardon.

Mr. DRYDEN. I was glad to yield to the Senator.

Mr. FORAKER. The speech is a very interesting one.

Mr. DRYDEN. There is nothing in the minutes of the Board which discloses that either proposition received the necessary deliberate consideration of the extremely complex and important details entering into the two respective projects, but it is evident that regarding the sea-level proposition at least, there was a decided bias practically from the outset which matured in the majority report favoring that proposition. What was in the minds of the members, what was done outside of the Board meetings, by what means or methods conclusions were reached, has not been made a matter of record, and is not therefore, within the knowledge of Congress.

It is true that the respective reports of the two committees were brought before the Board as a whole on November 14 and that the subject was discussed at some length on November 18, at which each member of the Board expressed his views for or against either of the two projects. But there remained but ten days before the last business meeting of the Board was held, when the foreign members sailed for home. The final reports, as they are now before Congress, apparently never received the proper and extended consideration of the Board as a whole, and the minority report favoring a lock canal seems never to have been discussed upon its merits at all. When I recall the very different procedure of the technical commission appointed by the New Panama Canal Company, which extended its consideration of the subject from February 3, 1896, to September 8, 1898, during which time ninety-seven stated meetings and a large

number of informal meetings were held, I say I can but think that from a practical business point of view, casting no reflection upon either the ability or the fairness of judgment of the members of the International Board, the mere element of time should weigh decidedly in favor of the verdict of the technical commission of 1898, which was unanimous for a lock canal.

Of the technical commission of 1896–1898, Mr. Hunter, chief engineer of the Manchester Ship Canal, was a member, and he, at that time and without a word of dissent, joined the other members in giving the unanimous and emphatic expression of the committee in favor of a lock canal.

Mr. TELLER. Mr. President——

The VICE-PRESIDENT. Does the Senator from New Jersey yield to the Senator from Colorado?

Mr. DRYDEN. Certainly.

Mr. TELLER. Will the Senator kindly repeat the date of that?

Mr. DRYDEN. Of the technical commission of 1896–1898. Mr. Hunter, the chief engineer of the Manchester Canal, was a member. The technical commission was of the new French company.

Mr. TELLER. You refer to the commission of the new French company?

Mr. DRYDEN. Yes, sir; the commission of the new French company.

Why he should now change his views and convictions and why he should now be so emphatic and pronounced in favor of a sea-level project is not set forth in anything that has been printed or been communicated to the Senate Committee on Interoceanic Canals. This hurried action, this scanty consideration, as I have stated, is the foundation upon which the advocates of the sea-level plan rest their appeal for support. This is the report and the evidence upon which Congress is requested to pronounce in favor of a sea-level project and give its indorsement to a plan which will involve the country in at least of $100,000,000 of additional expenditure and which will delay the opening of the canal for practical purposes of navigation possibly for ten years or more after the lock canal can be finished and opened for use.

The Isthmian Commission restates certain points in a clear and precise way, which leaves no escape from the conclusion that both as to time and cost the majority members of the Board materially underestimated important factors, and that they have every reason to believe that the total estimate of cost of a sea-level canal should be raised to $272,000,000, and that the estimate of time for construction should be increased to at least fifteen and a half years. But under certain readily conceivable conditions it is practically certain that the construction of a sea-level canal will consume not less than twenty years.

The Isthmian Commission reexamined carefully the question of relative efficiency of the proposed sea-level canal compared with a lock canal, and they pronounce emphatically and unequivocally in favor of the lock project. They consider that the assumed danger from accidents to locks by passing vessels or otherwise, as greatly exaggerated, and hold that while no doubt accidents may occur, and possibly will occur, such dangers can and will be sufficiently guarded against by an effective method of supervision and control. They hold that a lock canal properly constructed and managed is in no sense a menace to the safety of vessels, and that such practical experience, and particularly the half century of successful operation of the Soo Canal, has demonstrated the contrary beyond dispute. They point out that the canal with locks at a level of 85 feet will be a waterway three times the size, in navigable area, of the projected sea-level canal, and that omitting the locks from consideration will therefore afford three times the shipping facilities.

They show that in the sea-level canal there will be many and serious curves, while in the lock canal the courses are straight and changes of direction will be made at intersecting tangents, the same as in our river navigation, in which serious accidents are practically unknown. They show that the courses in a lock canal can be marked with ranges which will greatly facilitate navigation, particularly at night. The Commission points out that the argument of the majority of the Board, that locks will limit the traffic capacity of the canal, carries very little, if any, weight, and they refer to the experience of the Soo Canal, through which there passes annually a larger traffic than through all the other ship canals of the world combined.

Finally, the Isthmian Commission discusses the cost of operation and maintenance. The majority of the Board submit no details upon this most important item in canal construction and subsequent operation. What banking house in the world would advance a single dollar upon a canal or railway project upon a mere statement of the probable ultimate cost, but with no corresponding information as to cost of maintenance and operation? Having been appointed to reexamine into all the facts, and, so to speak, reconsider the entire project, the majority seriously erred in omitting from their report the necessary data and calculations for an accurate and trustworthy estimate of the cost of operation and maintenance of a sea-level canal.

From this point of view and in the light of the facts as presented by the Board for or against either project, the Isthmian Commission could not consistently act otherwise than give their final approval to the more specific and practical recommendations of the minority members of the Board, and they properly say that "*it appears that the canal proposed by the minority of the Board of Consulting Engineers can be built in half the time and for a little more than half of the cost of the canal proposed by the majority of the Board.*" They advance a number of specific reasons why a lock canal when completed will for all practical purposes—commercial, military, and naval—be a better canal than a sea-level waterway with a tidal lock, as proposed by the majority members of the Board.

The report of the Board was carefully and critically examined by Chief Engineer Stevens, of the Isthmian Commission and in actual charge of engineering matters on the Isthmus. Mr. Stevens is a man of very large practical American engineering experience, and he adds to the findings of the Commission the weight of his authority, decidedly and unequivocally in favor of a lock canal. He states as the sum of his conclusions that, all things considered, the lock or high-level canal is preferable to the sea-level type, so called, for the reason that it will provide a safer and quicker passage for ships; that it will provide beyond question the best solution of the vital problem of how safely to care for the flood waters of the Chagres and other streams; that provision is offered in the lock project for enlarging its capacity to almost any extent at very much less expense of time and money than can be provided for by any sea-level plan; that its cost of operation, maintenance, and fixed charges, including interest, will be very much less than any sea-level canal, and that the time and cost of its construction will not be more than one-half that of a canal of the sea-level type; that the lock project will permit of navigation by night, and that finally, even at the same cost in time and money, Mr. Stevens would favor the adoption of the high-level lock canal plan in preference to that of the proposed sea-level canal.

To these observations and comments the Secretary of War, under whose supervision this great work is going on, adds his opinion decidedly and unequivocally in favor of a lock canal. In his letter to the President Mr. Taft goes into all the important details of the subject and reveals a masterly grasp of the situation as it confronts the American people at the present time. He calls attention to the fact that lock navigation is not an experiment; that all the locks in the proposed canal are duplicated, thereby minimizing such dangers as are inherent in any canal project, and he adds that experience shows that with proper plans and regulations the dangers are much more imaginary than real. He goes into the facts of the proposed great dam to be constructed at Gatun and points out that such construction is not experimental, but sustained by large American experience, which is larger, perhaps, than that of any other country in the world. He gives his indorsement to the views of the Isthmian Commission and its chief engineer that the estimated cost of time and money for completing a sea-level canal is not correctly stated by the majority members of the Board, and that the cost, in all probability, will be at least $25,000,000 more, while, in his opinion, eighteen to twenty years will be necessary to complete the sea-level project. He also holds that the military advantages will be decidedly in favor of a lock canal.

This is practically the present status of facts and opinions regarding the canal problem as it is now before Congress, except that since January the Senate Committee on Interoceanic Canals has collected a large mass of additional and valuable testimony. Restating the facts in a somewhat different way, Congress is asked to give its final approval to the sea-level proposition, chiefly favored by foreign engineers, and to give its disapproval to the project of a lock canal, favored by American engineers. Congress is asked to rely in the main upon the experience gained in the management of the Suez Canal, where the conditions are essentially and fundamentally different from what they are or ever will be on the Isthmus of Panama, and to disregard the more than fifty years' experience in the successful management of the lock canals connecting the Great Lakes. Congress is asked to pronounce against the lock canal because in the management of the ship canal at Manchester several accidents have occurred, due to carelessness or ignorance in navigation, and we are asked to disregard

the successful record of the Soo Canal, in the management of which only three accidents, of no very serious importance, have occurred during more than fifty years.

In no other country in the world has there been more experience with lock canals than in this. For nearly a hundred years the Erie Canal has been one of our most successful of inland waterways, connecting the ocean with the Great Lakes. The Erie Canal is 387 miles in length, has 72 locks, and is now being enlarged to accommodate barges of a thousand tons, at a cost of $101,000,000. We have the Ohio Canal, with 150 locks; the Miami and Erie Canal, with 93 locks; the Pennsylvania Canal, with 71 locks; the Chesapeake and Ohio Canal, with 73 locks; and numerous other inland waterways of lesser importance. It is a question of degree and not of kind, for the problem is the same in all essentials and confronts Congress as much in the proposed deep waterway connecting tidewater with the Great Lakes, in which locks are proposed with a lift of 40 feet, or more, or very considerably in excess of the proposed lift of the locks on the isthmian canal.

The proposed ship canal from Lake Erie to the Ohio River provides for 34 locks. The suggested canal from Lake Michigan to the Illinois and Mississippi rivers provides for 37 locks, and, finally, the projected ship canal from the St. Lawrence River to Lake Huron contemplates 22 locks. So that lock canals of exceptional magnitude are not only in existence, but new canals of this type are contemplated in the United States and Canada.

In other words, Congress is asked to regard with preference the judgment and opinions of foreign engineers and to disregard the judgment and opinions of American engineers. We are seriously asked to completely disregard American opinion, as voiced by the Isthmian Commission, responsible for the enterprise as a whole; as voiced by the Secretary of War, responsible for the time being for the proper execution of the work; as voiced by Chief Engineer Stevens, who stands foremost among Americans in his profession, and as finally voiced by all the engineers now on the Isthmus who have a practical knowledge of the actual conditions, and who are as thoroughly familiar as any class of men with the problems which confront us and with the conditions which will have to be met. I for one, leaving for the present out of consideration details which are subject to modification and change, believe that it will be a fatal error for the nation to commit itself to the practically hopeless and visionary sea-level project and to delay for many years the opening of this much needed waterway connecting the Atlantic with the Pacific. I for one am opposed to a waste of untold millions and to additional burdens of needless taxation, while the project of a lock canal offers every practical advantage, offers a canal within a reasonable period of time and at a reasonable cost, offers a waterway of enormous advantage to American shipping, of the greatest possible value to the nation in the event of war and the opportunity for the American people to carry into execution at the earliest possible moment what has been called the "dream of navigators," and which has thus far defied the engineering skill of European nations.

But in addition to the evidence presented for or against a sea-level or lock canal project by the two conflicting reports of the Board of Consulting Engineers, there is now available a very considerable mass of testimony of American engineers who were called as witnesses before the Senate Committee on Interoceanic Canals. The testimony has been printed as a separate document and makes a volume of nearly a thousand pages. Much of this evidence is conflicting, much of it is mere engineering opinion, much of it comes perilously near to being engineering guesswork, but a large part of it is of practical value and may safely be relied upon to guide the Congress in an effort to arrive at a final and correct conclusion respecting the type of canal best adapted to our needs and requirements.

A critical examination and review of this testimony, as presented to the Senate committee from day to day for nearly five months, including the testimony of administrative officers and others, relating to Panama Canal affairs generally, is not practicable at this late stage of the session. Among others, the committee examined Mr. John F. Stevens, chief engineer, upon all the essential points in controversy and regarding which, in the light of additional experience and a very considerable amount of new and more exact information, Mr. Stevens reaffirms his convictions in the practicability and superior advantages of a lock canal.

In opposition to the views and conclusions of Mr. Stevens, Prof. William H. Burr pronounced himself emphatically in favor of the sea-level project. As a member of the former Isthmian Commission, reporting upon the type of canal, Mr. Burr had signed the report in favor of the lock project, but as a member of the Board of Consulting Engineers he had sided with the majority favoring the sea-level canal. Thus engineering opinion is as apt as any other human opinion to undergo a change, and the convictions of one year in favor of a proposition may change into opposite convictions, favoring an opposite proposition only a few years later. Mr. William Barclay Parsons, also a member of the Board of Consulting Engineers, who had signed the report in favor of the sea-level project, gave further evidence before the committee, restating his views and convictions in favor of the sea-level type. Mr. William Noble, an engineer of large experience, for some years in charge of the Soo Canal and who, as a member of the Board of Consulting Engineers, had signed the report in favor of a lock project, restates his views and convictions in favor of the lock-level project. Mr. Noble had also been a member of the Isthmian Commission of 1902, reporting at that time in favor of a lock canal.

Mr. Frederick P. Stearns, the foremost American authority on earth-dam construction, gave evidence regarding the safety of the proposed dams at Gatun and other points. His views and conclusions are based upon large practical experience and a profound theoretical knowledge of the subject. Mr. Stearns had also been a member of the Consulting Board of Engineers and as such had signed the report of the minority in favor of the lock project. He reaffirmed his views favoring a lock canal with a dam at Gatun. Mr. John F. Wallace, former chief engineer, gave testimony in favor of the sea-level type and strongly opposed the lock project. Col. Oswald H. Ernst, United States Army, than whom probably few are more thoroughly familiar with conditions on the Isthmus and the entire project of canal construction, declared himself to be strongly in favor of the lock-canal project.

Gen. Peter C. Hains, United States Army, equally well qualified to express an opinion on the subject in all its important points, pronounced himself strongly and unequivocally in favor of a lock canal.

Gen. Henry L. Abbot, United States Army, one of the highest authorities on river hydraulics, thorougly familiar with Mississippi River flood problems, a former member of the International Technical Commission, of the New Panama Canal Company, and for a time its consulting engineer, a member of different isthmian commissions, and also a member of the consulting board, reemphasized his conviction, sustained by much valuable evidence, in favor of the lock canal project. General Abbot, as a member of the consulting board, had signed the report of the minority in favor of a lock canal. Gen. George W. Davis, United States Army, for a time the governor of the Canal Zone and president of the International Board of Consulting Engineers, restated his views and conviction as opposed to the lock canal type and in favor of the sea-level project. The last witness, Mr. B. M. Harrod, an engineer of large experience, for many years connected with levee construction and river flood problems of the Mississippi River, submitted a statement in which he restated his views in favor of a lock canal.

So that, summing up the evidence of twelve engineers examined before the committee (including Mr. Lindon W. Bates), there were eight American engineers strongly and unequivocally in favor of a lock canal, while four expressed their views to the contrary. Subjecting the mass of testimony to a critical examination, I can not draw any other conclusion or arrive at any other conviction than *that the lock project, in the light of the facts and large experience, has decidedly the advantage over the sea-level proposition.* And this view is strengthened by the fact that the opinion of the engineers most competent to judge—that is, men like Mr. Noble, who has thoroughly studied lock canal construction, management, and navigation, who as a member of the United States Deep Waterway Commission reexamined probably as thoroughly as any living authority into the entire subject of the mechanics and practice of lock canals, is emphatically opposed to the sea-level proposition.

When we find that a man like Mr. Stearns, of national and international reputation as a waterworks engineer, and who for many years has been in charge of the extensive construction work of the Massachusetts Metropolitan water and sewerage board, and who probably has as large a practical and theoretical knowledge of earth-dam construction as any living authority, declares himself to be strongly in favor of the lock project and believes in the entire safety of the dams required in connection therewith, I hold that such a judgment may be relied upon and that it should govern in national affairs as it would govern in private affairs if the canal construction were a business enterprise and involved the risk of private capital. When we find a man like Mr. Harrod, who for many years has been in charge of levee construction in Louisiana, thoroughly familiar with the theory and practice of river and flood control, express himself in favor of the lock project and in opposition to

the sea-level canal, I hold that we may with entire confidence accept his judgment as a governing principle in arriving at a final decision respecting the type of the canal to be finally fixed by the Congress.

And going back to the minority report of the Board of Consulting Engineers, there we find that Mr. Joseph Ripley, the general superintendent at present in charge of the Soo Canal, and Mr. Isham Randolph, chief engineer of the sanitary district of Chicago, and thoroughly familiar ith canal construction and management, both American engineers of much experience and high standing, pronounce themselves in favor of a lock canal. When confronted by these facts, it matters little to me if all the foreign engineers, of whatever standing or reputation, favor the sea-level type. I for one would rely upon American engineers, American conviction, and American experience, and accept the lock-canal proposition.

In this matter, as in all other practical problems, we may safely take the business point of view and calculate without bias or prejudice the respective advantages and disadvantages, and the more thorough the method of reasoning and logic applied to the canal problem, the more emphatic and incontrovertible the conclusion that the Congress should decide in favor of a plan which will give us a navigable waterway across the Isthmus within a measurable distance of time and with a reasonable expenditure of money, as opposed to a visionary theory of an ideal canal which may ultimately be constructed, possibly for the exclusive benefit of future generations, but at an enormous waste of money, time, and opportunity. I do not think we want to repeat at this late stage of the canal problem the fatal error of De Lesseps, who, when he had the opportunity in 1879 to make a choice of a practical waterway, was influenced by his great success at Suez, and upon the most fragmentary evidence, and in the absence of definite knowledge of actual conditions, decided beforehand in favor of a sea-level canal. It was largely his bias and prejudice which proved fatal to the enterprise and to himself.

I may recall that the so-called "international congress of 1879" was a mere subterfuge; that the opinions of eminent engineers, including all the Americans, were opposed to a sea-level project and in favor of a lock canal, but De Lesseps had made his plans, he had arrived at his decision, and in his own words, at a meeting of the American Society of Civil Engineers, held in January, 1880, said "I would have put my hat on and walked out if any other plan than a sea-level canal project had been adopted."

The situation to-day is very similar to the critical state of the canal question in 1902. What was then a question of choice of route is to-day a question of choice of plan.

What was then a geographical conflict is to-day a conflict of engineering opinions. It has been made clear by the reference to the report of the Board of Consulting Engineers and the testimony of the engineers before the Senate committee that the opinion of eminent experts is so widely at variance that there is little, if any, hope of an ultimate reconciliation. It is a choice of one plan or another—of a sea-level or a lock canal. In respect to either plan a mass of testimony and data exists, which has been brought forward to sustain one view or another. In respect to either plan there are advantages and disadvantages. The majority of the Senate Committee on Interoceanic Canals have reported favorably a bill providing for the construction of a canal at sea level. From this majority opinion the minority of the committee emphatically and unequivocally dissent, and in their report express themselves in favor of the lock canal.

The minority report calls attention to the changed conditions and requirements which now demand a canal of much larger dimensions than originally proposed. Even as late as 1901 the depth of the canal prism was only to be 35 feet, against 40 to 45 feet in the project of only five years later. The bottom width has been increased from 150 to 200 feet and over. The length of the locks, in the lock project, has been changed from 740 to 900 feet, and the width from 84 to 90 feet. These facts must be kept in mind, for they bear upon the questions of time and cost, and a sea-level or lock canal, as proposed to-day, is in all respects a very much larger affair, demanding very superior facilities for traffic, to any previous canal project ever suggested or proposed. This change in plans was made necessary by the Spooner Act, which provides for a canal of such dimensions that the largest ship now building, or likely to be built within a reasonable period of time, can be accommodated.

Now, the estimated saving in money alone by adopting the lock plan—that is, on the original investment, to say nothing of accumulating interest charges—would be at least $100,000,000. Granting all that is said in favor of a sea-level canal, it is not apparent by any evidence produced that such a canal would prove a material advantage over a lock canal. All its assumed advantages are entirely offset by the vastly greater cost and longer period of time necessary for construction, and I am confident that they would not be considered for a moment if the canal were built as a commercial enterprise. I do not think that they should hold good where the canal is the work of the nation, because a vast sum of money, useful and necessary for other purposes, will be eventually sunk if the sea-level project is adopted, and entirely upon the theory that *if* certain conditions should arise that *then* it would be better to have a sea-level than a lock canal. We have never before proceeded in national undertakings upon such an assumption; we have never before, as far as I know, deliberately disregarded every principle of economy in money and time; we have never before in national projects attempted to conform to ideal conceptions, but we have always adhered to practical, hard, common-sense notions of *what is best* under the circumstances.

The majority of the committee attacks the proposition that the proposed lock canal shall have "locks with dimensions far exceeding any that have ever been made." If this principle were adopted in every other line of human effort all advancement would come to an end—even the canal enterprise itself—for, as it stands to-day, it far exceeds in magnitude any corresponding effort ever made by this or any other nation. They say that the proposed flight of three locks at Gatun would be objectionable and unsafe, but we have the evidence of American engineers of the highest standing, whose reputations are at stake, who are absolutly confident that these locks can be constructed and operated with entire safety. The committee say that "the entry through and exit from these contiguous locks is attended with very great danger to the lock gates and to the ships as well;" but if mere inherent danger of possible accidents were an objection there would be no great steamships, no great battle ships, no great bridges and tunnels, no great undertakings of any kind.

The committee point out that accidents have occurred in the "Soo" Canal and in the Manchester Ship Canal; but the conditions, in the first place, were decidedly different, and, in the second place, they proved of no serious consequence as a hindrance to traffic or material injury to the canal. The "Soo" Canal has been in operation as a lock canal for some fifty years; it has been enlarged from time to time, and to-day accommodates a larger traffic than passes through all the ship canals of the world combined. It is a sufficient answer to the objections to say that this experience should have a determining influence in arriving at a final conclusion, for the inherent problems of lock-canal construction are as well understood by American engineers as any other problems or questions in engineering science. The proposed deep waterway with a 30-foot channel from Chicago to tide water, which has been surveyed by direction of Congress, proposes an expenditure of $303,000,000, and several locks with a lift of 40 feet or more. The enlargement of the Erie Canal by the State of New York at an expenditure of $101,000,000 involves engineering problems, including lock construction, not essentially different from those inherent in the lock-canal project at Panama; and if these problems can be solved by our engineers at home, it stands to reason that we may rely upon their judgment that they can be solved at Panama.

The majority of the Senate committee objects to the proposed dam at Gatun, and says that—

> Earth dams founded on the drift and silt of ages, through which water habitually percolates, to be increased by the pressure of the 85-foot lock when made, has been referred to by many of our technical advisers as another element of danger. The vast masses of earth piled on this alluvial base to the height of 135 feet will certainly settle, and as the drift material of this base or foundation has varying depth, to 250 feet or more, the settlement of the new mass, as well as its base, will be unequal, and it is predicted that cracks and fissures in the dam will be formed, which will be reached and used by the water under the pressure above mentioned, and will cause the destruction of the dam and the draining off of the great lake upon which the integrity of the entire canal rests.

But all of this is mere conjecture. The evidence of Engineer Stearns, a man of large experience, and of Engineer Harrod, familiar with river hydraulics and levee construction, and many others, is emphatically to the contrary. There is not an American engineer of ability, nor an American contractor of experience, who would not undertake to build the proposed dam at Gatun and guarantee its safety and permanency without any hesitation whatever. The alternative proposal of a dam at Gamboa would be as objectionable upon much the same ground, and the dam there, which is indispensable to the sea-level project, has also been considered unsafe by some of the engineers. In all questions of this kind the aggregate experience of mankind ought to have greater weight than the abstract theories of individuals, and I am confident that our engineers, who have so

successfully solved problems of the greatest magnitude in the reclamation projects of the far West, and in the control and regulation of the floods of the Mississippi River, will solve with equal success similar problems at Panama.

The committee further says that the sea-level project contemplates the removal of some 110,000,000 cubic yards of material, while the lock canal would require the removal of only about half that amount, and that, in other words, there is a difference of some 57,000,000 cubic yards, which, "to omit to take out * * * is to confess our impotence, which is not characteristic of the American people or their engineers or contractors." By this method of reasoning a nation which can build a battle ship of 16,000 tons displacement is impotent if it can not build one of twice that tonnage, and if this reason applies to quantity of material, why not say that a nation which can dig a canal 150 feet wide through a mountain some 7 miles in length admits its impotence if it can not dig one 300 feet wide, or 600 feet, if it should please to do so? But why should it be less difficult or a declaration of impotency on the part of our engineers to build a safe lock canal, including a satisfactory and safe controlling dam at Gatun? As I conceive the problem, it is one of reasonable compromise, and while I do not question the ability of American engineers and contractors to build a sea-level canal, I am convinced by the facts in evidence that they can not do it within the time and for the money assumed by the advocates of the sea-level project.

This question of *time* is of supreme importance. Ten years in a nation's life is often a long space in national history. Many times the map of the world has been changed in less than a decade. No man in 1890 anticipated the war with Spain in 1898, and no man in 1906 can say what may not happen before the next decade has passed. The progress during peace is far greater in its permanent effect than the changes brought about by war. The world's commerce, the social, commercial, and political development of the South American republics and of Asiatic nations, all depend, more or less, upon the completion of an isthmian waterway. It is the duty of this nation, since we have assumed this task, to construct a waterway across the Isthmus within the shortest reasonable period of time. Valuable years have passed, valuable opportunities have gone by. In 1884 De Lesseps, with supreme confidence and upon the judgment of his engineers, anticipated the opening of the Panama Canal in 1888. That was nearly twenty years ago. Shall it be twenty years more before that greatest event in the world's commercial history takes place? Had De Lesseps, in 1879, gone before the International Congress with a proposition for a feasible canal at reasonable cost, free from prejudice or bias, had he then adopted the American suggestion for a lock canal, he would have lived to see its completion, and the world for fifteen years would have had the use of a practical waterway across the Isthmus.

As to safety in operation, which the committee discuss in their report, there is one very important point to be kept in mind, and that is that nine-tenths, or possibly a larger proportion, of shipping will be of vessels of relatively small size. If this should be the case, then the sea-level project contemplates a canal chiefly designed to meet the possible needs and contingencies of a very small number of vessels of largest size, while the lock canal provides primarily for the accommodation of the class of steamships which of necessity would make the largest practical use of the isthmian waterway. Now, it stands to reason that special precautions would be employed during the passage of a very large vessel, either merchantman or man-of-war, and even if necessity should demand the rapid passage of a fleet of vessels, say twenty or thrity, it is not conceivable that a condition would arise which could not be efficiently safeguarded against by those in actual charge and responsible for the safety in the management of the canal. Considering the immense tonnage passing through the "Soo" Canal, which would not pass through the Panama Canal for a century to come, the very few and relatively unimportant accidents which have occurred during the fifty years of operation of that waterway are in every respect the most suggestive indorsement of the lock-canal project which could be advanced.

The time of transit, in the opinion of the majority committee of the Senate, would be somewhat longer in the case of a lock canal. This may be so, though much depends upon the class of ships passing through and their number. To the practical navigator the loss of a few hours would be a negligible quantity compared with the higher tolls that would have to be charged if an additional $100,000,000 is expended in construction and an additional interest burden of at least $2,000,000 per annum has to be provided for. I understand that the actual value of an hour or two in the case of commercial ships of average size would be a matter of comparatively no importance in contrast with the all-suggestive fact that the alternative project of a sea-level canal would provide no navigation whatever across the Isthmus for probably ten years more. If it is an advantage to gain an hour or two in transit ten years hence by having no trans-Isthmian shipping facilities for the ten years in the meantime, then it might as well be argued that it would be better to project a sea-level canal 300 feet wide at every point, so that the commerce of the year 2000 may be properly provided for. But to the practical navigator of the year 1916, who leaves the port of New York for San Francisco by way of Cape Horn, a possible loss of two or three hours or more would be many times preferable, if the Isthmus were open for traffic, to a certain loss of from forty to fifty days to make the voyage all around South America.

Upon the question of cost of maintenance the majority committee in their report point out that the Board of Consulting Engineers did not submit the details of any estimate of cost of maintenance, repairs, etc., but they say that this factor was properly taken into account by the minority, favoring a lock canal. Now, there is probably no more important question connected with the whole canal problem than this, for if the annual expense of maintenance, to be provided for by Congressional appropriations, should attain to such an exorbitant figure as to make any fair return upon the investment impossible, it is conceivable that the most serious political and financial consequences might arise and the success of the enterprise itself might be placed in jeopardy. Upon a maximum cost, in round figures, of $200,000,000 for a lock canal, and of $300,000,000 as a minimum for a sea-level canal, the additional annual interest charge would be at least $2,000,000 more.

But Mr. Stearns estimates that under certain conditions a sea-level canal might cost as much as $410,000,000, which would add millions of dollars more per annum to the fixed charges which must be included in the cost of maintenance, to say nothing of a possibly much higher cost of operation. I also can not agree to the statement that the cost of operation of a sea-level canal would be $800,000 per annum less than in the case of a lock canal; but, on the contrary, I am fully satisfied that the expense would be very much greater in the sea-level project if proper allowance is made for interest charges upon the additional outlay, which can not be rightfully ignored. Upon this important point the evidence of the engineers and of the minority members of the Board is strongly in favor of the lock-canal project.

As regards ultimate cost, the estimates of the majority are very much more indefinite and conjectural than the more carefully prepared estimates of the minority of the Board of Consulting Engineers. Upon this point the majority of the Senate committee say:

> There are two estimates now before the Senate, both originating with the Board of Consulting Engineers. The basis of computation of cost at certain unit prices was adopted unanimously by the Board, and we are told that the cost, with the 20 per cent allowance for contingencies, will be, for the sea-level canal, the sum of $247,021,200. Your committee has adopted the figures stated by the majority on page 64 of its report of a total of $250,000,000 for the ultimate final cost of the sea-level canal.

The estimate of the minority for a lock canal at a level of 85 feet is, in round figures, $140,000,000, or about $110,000,000 less than for a sea-level canal, which would represent a difference of $2,200,000 per annum in interest charges at the lowest possible rate of 2 per cent. The majority of the Senate committee attempt to meet this difference by capitalizing the estimated higher maintenance charge, which they fix at $800,000 per annum, and they thus increase the total cost of a lock canal by $40,000,000; but this, I hold, involves a serious financial error, unless a corresponding allowance is made for the ultimate cost of the sea-level project. There is, however, no serious disagreement upon the point that a sea-level canal in any event would cost a very much larger sum as an original outlay, certainly not less than $120,000,000 more, and in all probability, in the opinion of qualified engineers, including Mr. Stevens, the chief engineer, possibly twice that sum.

Reference is made in the report to the probable value of the land which will be inundated under the lock-canal project with a dam at Gatun, and the value of which has been approximately placed at $300,000. The majority of the Senate committee estimate that this amount might reach $10,000,000, or as much as was paid for the entire Canal Zone. The estimate is based upon the price of certain lands required by the Government near the city of Panama, but one might as well estimate the worth of land in the Adirondacks by the prices paid for real estate in lower New York. The item, no doubt, requires to be properly taken into account, but two independent estimates fix the probable sum at $300,000 for lands which are otherwise practically valueless and which would only acquire

value the moment the United States should need them. In my opinion, the value of these lands will not form a serious item in the total cost of the canal, and I have every reason to believe that independent estimates of the minority engineers of the Consulting Board, and of Mr. Stevens, may be relied upon as conservative.

The majority of the Senate committee further say that—

It is not necessary to dwell upon the fact that all naval commanders and commercial masters of the great national and private vessels of the world are almost to a man opposed unalterably to the introduction of any lock to lift vessels over the low summit that nature has left for us to remove.

I am not aware that any material evidence of this character has come before the Senate Committee on Isthmian Affairs, investigating conditions at Panama. I do know this, however, that until very recently it has been the American project to construct a lock canal. All the former advocates of an American canal by way of Panama or Nicaragua, or by any other route, contemplated a lock canal of a much more complex character than the present Panama project. All the advocates of a canal across the Isthmus, including many distinguished engineers in the Army and Navy, have been in favor of a lock canal, and almost without exception have reported upon the feasibility of a lock canal across the Isthmus and its advantages to commerce, navigation, and in military and naval operations in case of war. The Nicaragua Canal, as recommended to Congress and as favored by the first Walker Commission, provided for a lock project far more complex than the proposition now under consideration.

Colonel Totten, who built the Panama railroad, recommended the construction of a lock canal as early as 1857; Naval Commissioner Lull, who made a careful survey of the Isthmus in 1874, recommended a lock canal with a summit level of 124 feet and with 24 locks. Admiral Ammen, who, by authority of the Secretary of War, attended the Isthmian Congress of 1879, favored a lock project, in strong opposition to the visionary plan of De Lesseps. Admiral Selfridge and many other naval officers who have been connected, with isthmian surveying and exploration have never, to my knowledge, by as much as a word, expressed their apprehensions regarding the feasibility or practicability of a lock canal.

As a matter of fact and canal history, the lock project has very properly been considered as "an American conception of the proper treatment of the Panama canal problem." Mr. C. D. Ward, an American engineer of great ability, as early as 1879, suggested a plan almost identical with the one now recommended by the minority of the Consulting Board, including a dam at Gatun, instead of Bohio or Gamboa, and, in the words of a former president of the American Society of Civil Engineers, Mr. Welsh, "The first thought of an American engineer on looking at M. De Lesseps raised map is to convert the valley of the lower Chagres into an artificial lake some 20 miles long by a dam across the valley at or near a point where the proposed canal strikes it a few miles from Colon, such as was advocated by C. D. Ward in 1879. The site referred to was Gatun, and this was written in 1880 when the sea-level project had full sway.

So that it is going entirely too far to say that all naval commanders and commercial masters are in favor of the sea-level project. Admiral Walker himself, as president of the former Isthmian Commission, and as president of the Nicaraguan Board, favored a lock canal. Eminent Army engineers, like Abbot, Hains, Ernst, and others, favor the lock project. It requires no very extensive knowledge of navigation to make it clear that passing through a waterway which for 35 miles, or 71 per cent of its distance, will have a width of 500 feet or more, compared with one which, for the larger part, or for some 41 miles, will have a width of only 200 feet or less, must appeal to the sense of security of the shipper while taking his vessel through the canal.

But it is a question of general principles, and not of personal preference. Our concern is with a matter of fact, and not a theory. No shipper on the Great Lakes considers it a serious hindrance to navigation to pass through the lock of the "Soo" Canal; no shipper running 1,000-ton barges through the future Erie Canal will have the least apprehension of danger or destruction; no captain navigating a vessel or boat through the proposed deep waterway from the ocean to the Lakes will hesitate to pass through locks with a proposed lift of over 40 feet. These apprehensions are imaginary and not real. They are not derived from experience or from a summary statement of shipmasters and naval officers, but from the individual expressions and prejudice of a few who are opposed to the lock project. I am confident that if the matter is left to the practical navigator, to the shipowner, and the self-reliant naval officer there will be no serious disagreement of opinion that a lock canal, which can be built within a reasonable period of time, is preferable to any sea-level canal which may be built and opened to navigation twenty years hence or later.

There are two objections made by the majority of the Senate committee against a lock canal, which require more extended consideration. These are, the protection of the canal in case of war, and the danger of serious injury or total destruction by possible earth movements or so-called "earthquakes." Regarding the military aspects of the canal problem, the majority of the Senate committee says:

The Spooner Act and the Hay-Varilla treaty contemplated the fortification and military protection of the canal route. No proposition affecting this policy is now before the Senate. In so far as the type of canal to be adopted has a bearing upon the jeopardy to or immunity of the canal to risk of malicious injury the subject of safety and protection is pertinent and most important. If a canal of one type would be more liable to injury than another, this liability should under no circumstances be neglected in determining the type or plan. It does not require argument that the use of the canal by the United States will cease if the control passes to a hostile power between which and the United States a state of war exists, but this is true whatever the type may be.

As the majority of the committee points out, "no proposition affecting this project is now before the Senate." In my opinion, none is necessary. The neutrality of the canal is by implication, at least, assured, and we have pledged our national good faith that the waterway will be open to all the nations of the world. Some time in the future, when the canal is completed and an accepted fact, it may be advisable to pursue the same course as was done in the case of the Suez Canal. The original concession for that canal provided, by section 3, for its subsequent fortification, but this was never carried into effect. By a convention dated December 22, 1888, between Great Britain, Germany, and other nations, the free navigation of the Suez Canal was made a matter of international agreement, and the same has been reprinted as Senate Document No. 151, Fifty-sixth Congress, first session, under date of February 6, 1900.

This, in any event, is a problem of the future. The canal is the property of the United States, and we shall always retain control. In the event of war we shall rely with confidence upon our Navy to protect our interests on the Pacific and in the Caribbean Sea, but even more may we rely upon the all-important fact that it could never be to the interest of any other nation sufficient in size to be at war with us to destroy this international waterway, which will become an important necessity to the commerce of each and all. No neutral nation engaged in extensive commerce or trade would for an instant tolerate injury, destruction, or serious interference of the traffic passing through the canal on the part of another nation at war with the United States. To destroy as much as a single lock, to injure as much as a single gate, would be equal to an act of war with every commercial nation of the earth. In this simple fact lies a greater assurance of safety than in all the treaties which might be made or in all the fortifications which might be established to protect the canal.

The majority of the committee well say in their report, the power of mischief "is within easy reach of all." The possibility of an assumed occurrence is very remote from its reasonable probability. We have to rely upon our own good faith and the watchful eyes of our officers. Against possible contingencies, such as are implied in the assumed destruction of the locks, by dynamite or other high explosives, we can do no more than take the same precautions which we take in all other matters of national importance. We have to take our chances the same as any other nation would; the same as commercial enterprise would. Certainly the remote possibility of such an event, the still more remote contingency that the injury would be serious or fatal to the operation of the canal, should not govern in a decision to construct a canal for the use of the present generation instead of the generations to come. No canal can be built free from vulnerable points; no forts, no battle ships can be built free from such a risk. It would be folly to delay the construction of a canal; it would be folly to sink a hundred million dollars or more upon so remote a contingency as this, which belongs to the realm of fanciful or morbid imagination rather than to the domain of substantial fact and actual experience.

As a last resort, the opposition to a lock canal brings forward the earthquake argument. It is a curious reminder of the early and bitter opposition to the building of the Suez Canal, which had to fall back upon the absurd theory that the canal would prove a failure because the blowing sands of the desert would soon fill the channel. It was seriously proposed to erect a stone wall 4 feet high on each side of the embankment to provide against this imaginary danger to the canal. Another early objection to the Suez Canal was that the Red Sea level was 30 feet above the level of the Mediterranean, only set at rest in 1847 by a special commission, which in-

cluded Mr. Robert Stephenson, the great son of a great father, bitter to the last in his opposition to the canal, which he considered an impracticable engineering scheme. There was much talk about the assumed prevalence of strong westerly winds on the southern Mediterranean coast, and the danger of constantly increasing deposits of the Nile, it was said, would render the establishment of a port impossible. It was necessary to place a war ship for a whole winter at anchor 3 miles from the shore to prove the error of this assumption and set at rest a foolish rumor which came near proving fatal to the enterprise.

Earthquakes have occurred on the Isthmus, and there is record of one shock of some consequence in 1882. The matter has been inquired into in a general way by the various Isthmian commissions, and assumed some prominence during the discussions and debates regarding a choice of routes. It was plain to even the least informed that the volcanic belt of Nicaragua constituted a real menace to a canal in that region, and one of the strongest arguments advanced in the minority report of the Senate committee of 1902, submitted by Senator KITTREDGE, now a leading advocate of the sea-level project, in opposition to the Nicaragua Canal, was the assertion of the practical freedom of the Panama Isthmus from the danger of earth movements.

The minority of the Senate committee of 1902 in their report, summing up the final reasons in favor of the Panama route (section 12):

> At Panama earthquakes are few and unimportant, while the Nicaraguan route passes over a well-known coastal weakness. Only five disturbances of any sort were recorded at Panama, all very slight, while similar official records at San Jose de Costa Rica, near the route of the Nicaragua Canal, show for the same period fifty shocks, a number of which were severe. (P. 11, S. Rep. 783, part 2, 57th Cong., 1st sess., May 31, 1902.)

In another part of its report the committee said:

> With the dreadful lessons of Martinique and St. Vincent fresh in our minds, we should be utterly inexcusable if we deliberately selected a route for an isthmian canal in a region so volcanic and dangerous, when a route is open to us which is exposed to none of these dangers and is in every other respect more advantageous.

And they quote Professor Heilprin, an authority on the subject, in part, as follows:

> It has, however, been known for a full quarter of a century that the main Andes do not traverse the Isthmus of Panama, and that there are no active or recently decayed volcanoes in any part of the Isthmus. So far, however, as danger from direct volcanic contacts is concerned, the Panama route is exempt. (Pp. 22–23.)

And, further:

> This district represents the most stable portion of Central America. No volcanic eruptions have occurred there since the end of the Miocene epoch, and there are no active volcanoes between Chiriqui and Tolima, a distance of about 400 miles. Such earthquakes as have occurred are chiefly those proceeding from the disturbed districts on either hand, with intensity much diminished by the distance traversed. The canal lies in a sort of dead angle of comparative safety.

The report continues:

> The situation being, then, that the danger from volcanoes at Panama is nothing, and that from earthquakes practically nothing, while at Nicaragua the canal would be situated in one of the most dangerous regions of the world from both these causes, the question should be considered settled.

This was the opinion of the committee of 1902; it was emphatic and plain in its language; it had considered expert views and the available data. It had before it the full report of the Nicaragua Canal Commission printed under date of May 15 of the same year, Chapter VII of which considers the subject at much greater length than has been done since that time and with a full knowledge of the facts and free from bias or prejudice. With the then recent occurrence at Mount Pelee in mind, and a full understanding of the liability of the Isthmus to seismic shocks of minor importance, the committee emphatically indorses the lock-canal project at Panama.

Much can be said with regard to this matter, and it is one which should receive, and no doubt will, the most careful consideration of the engineers in charge of the work. Seismic disturbances have occurred in all parts of the world, and they have occurred at Panama. Where they are not directly of volcanic origin they appear to be the result of subsidence or contraction of the earth's crust, and they have occurred and caused serious destruction far from volcanic centers of activity, among other places at Lisbon, Portugal, and at Charleston, S. C. Some sections of the earth, as, for illustration, Japan and the Philippines, are, no doubt, more subject to these movements than others, and sections subject to such movements at one period of time may be exempt for many years, if not ever thereafter.

The fearful earthquake which affected Charleston, S. C., in 1886 had no corresponding precedent in that section, nor has it been followed by a similar disturbance. Regardless of the terrible experience of 1886, the Government has now in course of construction at Charleston a navy-yard and a great dry dock, costing many millions of dollars, which will be operated by locks or gates, and, I presume, the question of earthquakes or earth movements has not been raised in any of the reports which have been made regarding this undertaking. Earthquakes were formerly quite frequent in New England, and they extended to New York during the early years of our history, and for a time Boston and Newbury, Mass, Deerfield, N. H., and particularly East Haddam, Conn., were the centers of seismic activity, which by inference might be used as an argument against our navy-yards at Portsmouth, N. H., and Charlestown, Mass., our torpedo station at Newport, or the fortifications at Willetts Point. The earthquake which destroyed Lisbon in 1755 might with equal propriety be used as an argument against the building of the extensive docks and fortifications at Gibraltar, but no one, I think, has ever questioned the solidity of the rock.

Seismology is a very complex branch of geologic inquiry into a subject regarding which very little of determining value is known. Theories have been advanced that under certain geological conditions earth movements would be comparatively infrequent, if not impossible. Whether such conditions exist at Panama would have to be determined by the investigations of qualified experts. It would seem, however, from such data as are available, that the local conditions are decidedly favorable to a comparative immunity of this region from serious seismic shocks, at least such as would do great and general damage. Nor can it be argued that the locks and dams would be exposed to special risk. The earthquake of 1882 did more or less damage, but the reports are of a very fragmentary character. Newspaper reports in matters of this kind have very small value. Injury was done to the railway, but not of very serious consequence.

If the risk exists, it would affect equally a sea-level canal, in that it would threaten the tidal lock, the dam at Gamboa, and the excavation through the Culebra cut. Very little is known regarding earthquake motions, and there are very few seismic elements which are really calculable in conformity to a mathematical theory of probability. It is a subject which has not received the attention in this country of which it is deserving, but enough of seismic motion is known to warrant the conclusion that the Senate committee of 1902 was, in all human probability, entirely correct when it made light of the danger of the probability of seismic shocks at Panama.

In fine, the earthquake argument has little or no force against a lock-canal project, and it has never received serious consideration as such or been used in arguments against a lock canal until the recent San Francisco disaster brought the subject prominently before the public. It is a danger as remote as a possible destruction of the proposed terminal plants at Colon and Panama by flood waves equal in magnitude to the one which destroyed Galveston in 1900, but such dangers are inherent in all human undertakings. They must be taken as a matter of chance and remote possibility, which for all practical purposes may be left out of account, except that the subject should receive the due consideration of the engineers and perhaps be made a matter of special and comprehensive inquiry by the Geological Survey. In any serious consideration of the facts for or against a lock canal, I am confident that the earthquake risk may safely be ignored.

The comprehensive report of the minority members of the Senate Committee on Interoceanic Affairs is a sufficient and conclusive answer to all the important points which are in controversy, and it remains for Congress to cut the "Gordian knot" and put an end to an interminable discussion of much solid and substantial conviction on the one hand and of a vast amount of opinion and guesswork on the other hand. All of the evidence, all of the supplementary expert testimony which may be collected or obtained upon the merits or demerits of either of the two propositions, will not change the fundamental basis of the position of those who rest their final conclusions upon American experience and upon the opinions and judgment of American engineers, and who favor a lock canal. While there is no question of doubt that such a canal can be constructed and can be made a practical waterway, there is a very serious question of doubt whether a sea-level canal can be constructed and made a safe and practicable waterway, at least within the limits of the estimated amount of cost and within the estimated time.

The view, which I have tried to impress upon the Senate, is nothing more nor less than a business view of what is, for all practical purposes, only a business proposition. If a lock canal can be built, useful for all purposes, at half the cost and within half the time of a sea-level canal, then I can come to no other conclusion than that a lock canal would be decidedly to our

political and commercial advantage. A decision, however, should be arrived at. The canal project has reached a stage when the final plan or type must be determined, and it is the duty of Congress to act and to fix, for once and for all time, the type of canal, with the same courage and freedom from prejudice or bias as was the case in the decision which finally fixed the route by way of Panama.

Any amount of additional testimony and so-called expert opinion will only add to the confusion and tend to produce a more hopeless state of affairs. Let Congress fix the type in broad outlines and leave it to responsible engineers in actual charge of the construction to solve problems in detail, and to adapt themselves to local conditions met with, and new problems which in the course of construction are certain to arise. Let us take counsel of the past, most of all from the experience gained in the construction of the Suez Canal, an engineering and commercial success which challenges the admiration of the world. We know how near it came to utter defeat by the conflict of opinion, by the intrigue of conniving and jealous powers, and last but not least, by the ill-founded apprehensions and fears of those who were searching the vast domain of conjecture and remote possibilities for arguments to cause a temporary delay or ultimate abandonment.

It is not difficult to secure eminent authority for or against any project when the facts themselves are in dispute, and when the objects and aims are not well defined. The great Lord Palmerston, the most bitter opponent to the Suez Canal scheme, in want of a more convincing argument, seriously claimed that France would send soldiers disguised as workmen to the Isthmus of Suez later to take possession of Egypt and make it a French colony. By one method or another, Palmerston tried to defeat the scheme in its beginning and bring it to disaster during the period of construction. It is a far from creditable story. History always more or less repeats itself, whether it be in politics or engineering enterprise, but in few affairs are there more convincing parallels than in the canal projects of Panama and Suez. Lord Palmerston and Sir Henry Bulwer, then the ambassador at Constantinople, did all in their power to destroy public confidence in the enterprise, and they were completely successful in preventing English investments in the stock of the canal.

It was the same Sir Henry Bulwer who, in 1850, succeeded by questionable diplomatic methods in foisting upon the American people a treaty contrary to their best interests and for half a century a hindrance and the barrier to an American isthmian canal. We owe it chiefly to the masterly and straightforward statesmanship of the late John Hay that this obstacle to our progress was disposed of to the entire satisfaction of both nations. I only refer to these matters, which are facts of history, to point out how an interminable discussion of matters of detail is certain to delay and do great injury to projects which should only receive consideration in broad outlines and upon fundamental principles. If we are to enter into a discussion of engineering conflicts, if we are to deliberate upon mere matters of structural detail, then an entire session of Congress will not suffice to solve all the problems which will arise in connection with that enterprise in the course of time. I draw attention to the Suez experience solely to point out the error of taking into serious account minor and farfetched objections which assume an undue magnitude in the public mind when they are presented in lurid colors of impending disasters to a national enterprise of vast extent and importance.

So eminent an engineer as Mr. Robert Stephenson by his expert opinion deluded the British people into the belief that the Suez Canal would not be practical; that, even if completed, it would be nothing but a stagnant ditch. Said Palmerston to De Lesseps:

> All the engineers of Europe might say what they pleased, he knew more than they did, and his opinion would never change one iota, and he would oppose the work to the end.

Stephenson confirmed this view and held that the canal would never be completed except at an enormous expense, too great to warrant any expectation of return—a judgment as ill advised as it was later proven to have been entirely erroneous. I need only say that the Suez Canal is to-day an extremely profitable waterway, and that while the work was commenced and brought to completion without a single English shilling, through French enterprise and upon the judgment of French engineers, it was only a comparatively few years later when, as a matter of necessity and logical sequence, the controlling interest in the canal was purchased by the English Government, which has since made of that waterway the most extensive use for purposes of peace and war.

These are facts of history, and they are not disputed. Shall history repeat itself? Shall we delay or miscarry in our efforts to complete a canal across the Isthmus of Panama upon similar pretensions of assumed dangers and possibilities of disaster, all more or less the result of engineering guesswork? Shall we take fright at the talk about the mischief-maker with his stick of dynamite, bent upon the destruction of the locks and vital parts of the machinery, when history has its parallel during the Suez Canal agitation in "The Arab shepherd, who, flushed with the opportunity for mischief and with a few strokes of a pickax, could empty the canal in a few minutes?" Shall we be swayed by foolish fears and apprehensions of earthquakes or tidal waves and waste millions of money and years of time upon a pure conjecture, a pure theory deduced from fragmentary facts? Again the facts of canal history furnish the parallel of Stephenson and other engineers, who successfully frightened English investors out of the Suez enterprise by the statement that the canal would soon fill up with the moving sands of the desert, that one of the lakes through which the canal would pass would soon fill up with salt, that the navigation of the Red Sea would be too dangerous and difficult, that ships would fear to approach Port Said because of dangerous seas, and, finally, that in any event it would be impossible to keep the passage open to the Mediterranean.

It was this kind of guesswork and conjecture which was advanced as an argument by engineers of eminence and sustained by one of the foremost statesmen of the century. How absurd it all seems now in the sunlight of history. The Panama Canal is a business enterprise, even if carried on by the nation, and with a thorough knowledge of the general facts and principles we require no more expert evidence, so called, nor additional volumes of engineering testimony. The nation is committed to the construction of a canal. The enterprise is one of imperative necessity to commerce, navigation, and national defense, and any further discussion, any needless waste of time and money, is little short of indifference to the national interests and objects which are at stake.

Of objections for or against either plan there is no end, and there will be no end as long as the subject remains open for discussion. To answer such objections in detail, to search the records for proof in support of one theory and another, is a mere waste of time which can lead to no possible useful result. Among others, for illustration, there has been placed before us a letter from the chief engineer of the Manchester Ship Canal, who is emphatically in favor of a sea-level waterway. It would have been much more interesting and much more valuable to the Members of Congress to have received from Mr. Hunter a statement as to why he should have changed his opinions or why, in 1898, he should have signed the unanimous report of the technical commission in favor of a lock canal, while now he so emphatically sustains those who favor the sea-level project. It is not going too far to say, appealing to the facts of history, that Mr. Hunter may be as seriously in error in this matter and may have drawn upon his imagination rather than upon his engineering experience, the same as Mr. Robert Stephenson was in serious error in his bitter opposition to the canal enterprise at Suez.

Mr. Hunter, in his letter, argues, among other points, that the lifts of the proposed locks would be without precedent. Without precedent? Why, of course, they would be without precedent. Is not practically every American engineering enterprise without precedent? Was not the Erie Canal, completed in 1825, without a precedent? Were not the first steamboat and the first locomotive without precedents? Were not the Hoosac Tunnel and the Brooklyn Bridge feats of engineering enterprise without precedents?

Without precedent is the great barge canal which the State of New York is about to build, which will mean a complete reconstruction of the existing waterway which connects the ocean with the Great Lakes.

All this is without precedent. But it is American. It is progress, and takes the necessary risk to leave the world better, at least in a material way, than we found it. In the proposed deep waterway, which is certain some day to be built to connect the uttermost ends of the Great Lakes with tide water on the Atlantic, able and competent engineers of the largest experience have designed locks with a lift of 52 feet. That will be without precedent. On the Oswego Canal, proposed as a part of the new barge canal of the State of New York, there will be six locks, two of which will have a lift of 28 feet, and that will be without precedent, but neither dangerous nor detrimental to navigation interests.

Need I further appeal to the facts of past canal history? Is it necessary to recite one of the best known and most honorable chapters in the history of inland waterways—I mean the problems and difficulties inherent in the great project of constructing the canal of Languedoc, or "Canal du Midi," which forms a

water communication between the Mediterranean and the Garonne and the Garonne and the Atlantic Ocean, one of the best known canals in France and in the world? Need I refer to that pathetic story of its chief egineer, Riquet, one of the greatest of French patriots, who, in his abiding faith in this great engineering feat, stood practically alone? Need I recall that he met with scant assistance from the Government, with the most strenuous opposition from his countrymen; that he was treated even as a madman, and that he died of a broken heart before the great work was finished?

That canal stands to-day as an engineering masterwork and as a most suggestive illustration of man's ingenuity and power to overcome apparently insuperable natural obstacles. It has been in existence and successful operation, I think, since 1681. For a sixth part of its distance it is carried over mountains deeply excavated. It has, I think, ninety-nine locks and viaducts, and as one of its most wonderful features it has an octuple lock, or eight locks in flight, like a ladder from the top of a cliff to the valley below. If in 1681 a French engineer had the ability and the daring to conceive and construct an octuple lock, will anyone maintain that more than two hundred years later, with all the enormous advance in engineering, with a better knowledge of hydraulics and a more perfect method of transportation and handling of materials, will anyone maintain that we are not to-day competent to construct a lock canal such as is proposed to be built at Panama upon the judgment of American engineers?

Mr. President, the overshadowing importance of the subject has led me to extend my remarks far beyond my original intention. I express my strong convictions in favor of a lock canal and of the necessity for an early and specific declaration of Congress regarding the final plan or type of canal which the nation wants to have built at Panama. I am confident that it lies entirely within our power and means to build either type of a waterway; that our engineering skill can successfully solve the technical problems involved in either the lock or sea-level plan; but there is one all-important factor which controls, and which, in my opinion, should have more weight than any other, and that is the element of time. If I could advance no other reasons, if I knew of no better argument in favor of a lock canal, my convictions would sustain the project which can be completed within a measurable distance of years and for the benefit and to the advantage of the present generation. Time flies, and the years pass rapidly. Shall this project languish and linger and become the spoil of political controversy and a subject of political attack? Can we conceive of anything more likely to prove disastrous to the canal project than political strife, which proved the undoing of the French canal enterprise at Panama?

Shall the success of this great project be imperiled by the possible changes in the fortunes of parties? Shall we incur the risk that changes in economic conditions, hard times, or panic and industrial depressions may bring about? Time flies, and in the progress of industry and commerce, in international competition and the growth of modern nations, no factor is of more supreme importance than the years with new opportunities for political and commercial development. Shall we, then, neglect our chances? Shall we fail to make the most of this the greatest opportunity for the extension of our commerce and navigation into the most distant seas which will ever come to us in our history, because of the demands of idealists, who, with theoretical notions of the ultimately desirable, would deprive the nation and the world of what is necessary and indispensable to those who are living now?

Vast commercial and political consequences will follow the opening of the transisthmian waterway. In the annals of commerce and navigation it is not conceivable that there will ever be a greater event or one fraught with more momentous consequences than uninterrupted navigation between the Atlantic and the Pacific. Little enough can we comprehend or anticipate what the far-distant future will bring forth, but this much we know—that it is our duty to solve the problems of to-day and not to indulge in dreams and fancies in a vain effort to solve the problems of an immeasurable future.

But *money* also counts. Can we defend an expenditure of an additional $100,000,000 or more for objects so remote, and upon the basis of theory and fact so slender and so open to question, when a plan and a project feasible and practicable is before us which will meet all of our needs and the needs of generations to come? Shall we disregard in the building of this canal every principle of a sound national economy and commit ourselves recklessly to an enormous waste of funds and to the imposition of needless burdens upon the taxpayers of this nation and upon the commerce of the world? At least $2,000,000 per annum more will be required in additional interest charges, at least $100,000,000 more will be necessary as an original investment. Do we fully realize what that amount of money would do if applied to other national purposes and projects?

I want to place on record my convictions and the reasons governing my vote in favor of the minority report for a lock canal across the Isthmus at Panama. I entered upon an investigation of the subject without prejudice or bias for or against either project, but I have examined the facts as they have been presented and as they are a matter of record and of history. I have heard or read with care the evidence as it has been presented by the Board of Consulting Engineers and the vast amount of oral testimony before the Senate Committee on Interoceanic Affairs. I am confident that the minority judgment is the better and that it can be more relied upon, because it is strictly in conformity with the entire history of the isthmian canal project. I am confident that the objections which have been raised against the lock plan are an undue exaggeration of difficulties such as are inherent in every great engineering project, and which, I have not the slightest doubt, will be successfully solved by American engineers, in the light of American experience, exactly as similar difficulties have been solved in many other enterprises of great magnitude.

I am not impressed with the reasons and arguments advanced by those who favor the sea-level project, which do not convince me as being sound and which in some instances come perilously near to engineering guesswork characteristic of the earlier enterprises of De Lesseps. I can but think that bias and prejudice are largely responsible for the judgment of foreign engineers so pronounced in favor of a sea-level project. On the contrary, I am entirely convinced that the judgment and experience of American engineers in favor of a lock canal may be relied upon with entire confidence, and that the enterprise will be brought to a successful termination. I believe that in a national undertaking of this kind, fraught with the gravest possible political and commercial consequences, only the judgment of our own people should govern for the protection of our own interests which are at stake. I also prefer to accept the view and convictions of the members of the Isthmian Commission, and of its chief engineer, a man of extraordinary ability and vast experience.

It is a subject upon which opinions will differ and upon which honest convictions may be widely at variance, but in a question of such surpassing importance to the nation, I, for one, shall side with those who take the American point of view, place their reliance upon American experience, and show their faith in American engineers.

Mr. KITTREDGE. Mr. President, I ask for the adoption of the following order.

The PRESIDING OFFICER (Mr. KEAN in the chair). The Senator from South Dakota asks for the adoption of an order which will be read.

The Secretary read as follows:

It is agreed by unanimous consent that on Friday, June 15, 1906, immediately upon the conclusion of the routine morning business, the Senate will proceed to the consideration of the bill (S. 6191) to provide for the construction of a sea-level canal connecting the waters of the Atlantic and Pacific oceans, and the method of construction, and continue the consideration thereof until 4 o'clock p. m., when debate shall cease and a vote be taken upon all amendments then pending or to be offered, and that a vote be taken on the bill before adjournment on that day.

Mr. HOPKINS. Mr. President, in consulting with many Senators on both sides, I find that Monday will be more agreeable than Friday. I therefore suggest a change of the day from Friday to Monday, and of the hour from 4 to 3 o'clock, so that the vote will be taken at 3 o'clock on Monday.

Mr. KITTREDGE. I will agree to that, Mr. President.

The PRESIDING OFFICER. Is there objection to the proposed agreement as modified?

Mr. TELLER. Mr. President, I do not desire to object to the modification or to fixing a date. I object, though, to this being taken as an order. That is not the custom of the Senate.

Mr. KITTREDGE. I have asked for unanimous consent.

Mr. TELLER. It should be done by unanimous consent; it is not an order.

The PRESIDING OFFICER. The proposed agreement will be read as modified.

Mr. TELLER. With that modification I shall not object. Otherwise I do not care anything about it.

The PRESIDING OFFICER. The request of the Senator from South Dakota will be again read.

Mr. HOPKINS. It was a request and not an order. It was a request for unanimous consent.

Mr. TELLER. I understand that it is modified to a request for unanimous consent.

The PRESIDING OFFICER. It reads: "It is agreed by

unanimous consent." The proposed agreement will be read as modified.

Mr. HALE. I take it that what the Senator offering this proposed agreement had in view was that the language should be clearly understood, so that no question would arise afterwards. It ought to read, rather, "ordered by unanimous consent," because, as the Senator from Colorado says, it can only be done by unanimous consent, and it is only put in the form of an order that nobody may misunderstand the terms of the agreement. I take it that is the design of the Senator from South Dakota.

Mr. KITTREDGE. That was my purpose, Mr. President.

Mr. TELLER. I have no doubt what the purpose is; but that has never been the form since I have been here. We simply say it is unanimously agreed to do this or to do that.

The PRESIDING OFFICER. The Chair will inform the Senator from Colorado——

Mr. TELLER. And that is usually printed upon the Calendar.

Mr. HALE. That accomplishes the same purpose.

Mr. TELLER. I do not want to have the word "order" used.

The PRESIDING OFFICER. The Chair will inform the Senator from Colorado that the word "order" is not used. It reads: "It is agreed by unanimous consent."

Mr. TELLER. That is right.

Mr. HALE. That is right.

Mr. TELLER. I understood the Senator to ask for an order.

The PRESIDING OFFICER. Is there objection to the proposed agreement?

Mr. HALE. What is the modification?

The PRESIDING OFFICER. It will be again read.

The Secretary read the proposed agreement as modified, as follows:

It is agreed by unanimous consent that on Monday, June 18, 1906, immediately upon the conclusion of the routine morning business, the Senate will proceed to the consideration of the bill (S. 6191) to provide for the construction of a sea-level canal connecting the waters of the Atlantic and Pacific oceans, and the method of construction, and continue the consideration thereof until 3 o'clock p. m., when debate shall cease and a vote be taken upon all amendments then pending or to be offered, and that a vote be taken on the bill before adjournment on that day.

Mr. SPOONER. Why not put it at 1 o'clock, so that there will be an opportunity for debate of about an hour? That is only a suggestion.

Mr. FORAKER. Mr. President, I should like to ask, before this order is entered, of some Senator who is entirely familiar with the subject, whether it is necessary for us to determine at this time the type of the canal, or whether it is possible for this matter to be delayed until those of us who have had no opportunity to do so can familiarize ourselves with the testimony which has been taken?

I wish to say in this connection to Senators, and I say it frankly, that my predisposition has been always in favor of a sea-level canal. That is why I turned from Nicaragua to Panama. But since this controversy has arisen I have had some doubt brought into my mind as to whether I am right in that respect, and I have been undertaking to read the testimony and familiarize myself with the subject, hoping that I might thereby remove the doubt that I have. But if the bill is to be voted upon next Monday, I do not see how I can do that to my own satisfaction. I will not object for one moment to the proposed agreement if it is necessary that it should be settled at this time.

Mr. HOPKINS. If the Senator will allow me——

Mr. FORAKER. Certainly.

Mr. HOPKINS. I think that the vote as to the type of the canal could be postponed until the next session of Congress without interfering with the ultimate type that shall be adopted in the construction of the canal. If that should be done, it would allow Senators circumstanced as the Senator from Ohio is to give the same attention to it that those of us who are on the committee have been compelled to do in forming the opinions that we have expressed here on the floor of the Senate.

I will say to the Senator from Ohio that for one I would be very glad to accommodate him or any other Senator similarly situated and permit this question to go over until the first Monday or Tuesday of the next session of this Congress.

Mr. TELLER. Mr. President——

The PRESIDING OFFICER. Does the Senator from Ohio yield to the Senator from Colorado?

Mr. FORAKER. I yield the floor.

Mr. TELLER. I think it is thoroughly understood that this measure is not to be touched in the House during the present session. For myself I do not see any object in fixing a date to dispose of it now, though perhaps before the session is over we ought to send it to the House, or perhaps we ought to have sent it earlier in the session. But we certainly can take the balance of the session for debating this question, if we want to do that, without interfering with the final disposition of this case.

I wish myself to make a few remarks upon it this week, because I expect on Saturday to leave the city. I have waited here for some time, supposing that I might get an opportunity to do so to-night, but I see really no opportunity at this late hour to commence a speech on the subject. I do not intend to speak at length, but will be rather brief.

I do not want to object to the proposed agreement, if the Senators who have this measure in charge think it ought to be made, but I do not myself see anything to be gained by it.

Mr. WARREN. Mr. President——

The PRESIDING OFFICER. Does the Senator from Colorado yield to the Senator from Wyoming?

Mr. WARREN. I do not wish to interrupt the Senator unless he is through.

Mr. TELLER. I am through, unless I am going to speak on the bill.

Mr. WARREN. If the Senator will pardon me, I only want to indorse heartily what he has said. In the multifold duties that we have to discharge in the last part of the session there has scarcely been time since the Interoceanic Canals Committee finished the hearings for us to inform ourselves sufficiently, in my opinion, about the type of canal. If the members of that committee—and they are prominent members, for that matter—think the work can properly proceed without our deciding at this time the type of the canal, then I think by all means we ought to avail ourselves of longer time and better inform ourselves, through the evidence taken by the committee, which we will have time to read and absorb in the meantime.

Mr. SCOTT. Will the Senator from Colorado yield to me for a moment?

Mr. TELLER. Certainly.

Mr. SCOTT. Mr. President, I think it would be a very wise conclusion to have this matter go over. I have felt that ultimately my views, expressed a few years ago upon the route on which the canal should be built, would be adopted. Every day and every month that this matter has been discussed I at least have been more thoroughly convinced that the position I took at that time is the correct one. I think the Senator from Alabama [Mr. MORGAN] almost, if not entirely, would agree with me now, and I am sure he regrets that he did not report my resolution favorably from the committee to send expert engineers and contractors down there to investigate the route I then advocated.

I do not want to do anything, Mr. President, to delay the building of the canal or to delay a vote on the pending bill; but I think we will find, as years roll by, that a great mistake is being made.

Mr. HALE. I trust if an agreement is not made, which I understood had been assented to by all parties, fixing the time for a vote upon the bill, the Senator in charge of the bill will insist that unless it is displaced by a vote of the Senate, the consideration shall be continued, and that a vote shall be taken upon it.

Mr. KITTREDGE. Mr. President, I do not understand that objection has been made to the modified agreement.

The PRESIDING OFFICER. The Chair will put the question on the request of the Senator from South Dakota. Is there objection to the request of the Senator from South Dakota?

Mr. GALLINGER. What is the request?

The PRESIDING OFFICER. As modified it is proposed that the debate shall cease on Monday next at 3 p. m.

Mr. HOPKINS. I think it is well to fully understand this matter. Personally next Monday is agreeable to me, and I will not delay a vote if the Senate wants to vote upon the bill. The suggestion I made was in answer to the suggestion made by the Senator from Ohio [Mr. FORAKER], and the views concurred in by the senior Senator from Colorado [Mr. TELLER]. In my judgment, no advance will be made at all by a vote in the Senate at this session. I understand the situation in the House to be such that if the bill should go there, no action would be taken at this session. If there is any Senator here on either side who feels that he would like to have more time to investigate the subject before the type of the canal is determined, so far as I am personally concerned I would not interpose any objection to the bill going over.

Mr. TELLER. Mr. President, I suggest that if the Senator who has the bill in charge is anxious to fix a time he might fix, perhaps, the middle of next week, and that would give, perhaps, time for discussion, if he feels that he ought to do that

Mr. CARTER. Mr. President——

The PRESIDING OFFICER. Does the Senator from Colorado yield to the Senator from Montana?

Mr. TELLER. Certainly.

Mr. CARTER. Mr. President, with the Senator's permission, I desire to express the personal view that under all the conditions, since no injury to the public business would result from a postponement of the vote until the next session of Congress, the Senate owes to itself and Senators individually should take advantage of the time to cast such a vote upon this momentous question as will comport with their best judgment in the light of a full and clear understanding of all the facts and conditions.

The testimony has been quite voluminous, and it differs, I understand, very materially from the ordinary testimony presented before investigating committees, in that it consists very largely of the opinions, carefully considered, of experts who have examined the conditions upon the ground. I doubt if any Senator will have an abiding sense of satisfaction who casts a vote upon this question without having prosecuted original inquiry to the extent at least of having read the testimony of the experts, the opinions submitted by them from time to time. The experts divided upon the question at almost every point. Men of international reputation as engineers, men of broad experience and great capacity, came to direct issues upon the one question here to be disposed of, to wit, the type of canal.

The experts having divided after inspecting the grounds upon which the work is to be executed, we find that a committee of the Senate, in the light of the testimony of all the experts, again divided upon this subject almost evenly. I believe the bill was reported by a majority of one in favor of a sea-level canal. This Chamber is adorned with maps and plats resulting from long-continued effort and patient study. The physical conditions presented by these maps and plats are elaborately explained by the testimony of the experts under whose guidance the maps and plats were prepared.

There are few Senators in this Chamber not members of the committee who are able to thoroughly and clearly explain the significance at this moment of any one of these charts or maps. I think during the vacation Senators could individually read the testimony, the numerous conflicting opinions, and be prepared to vote upon the question next December in a manner satisfactory to themselves, and, perchance, of much advantage to the country, compared with the present vote.

Mr. HALE. With the provision, I suggest to the Senator, that in the meantime there shall be no work done on the canal until Senators have had ample time to consider it during vacation.

Mr. CARTER. With reference to that suggestion, I understand the statement of the Senator from Illinois [Mr. HOPKINS] to be to the effect that work may be prosecuted between now and the 1st of next January without any reference to the particular type of canal to be ultimately determined upon; that excavation may proceed with reference to either a sea-level or lock canal, as proper depth for the lock canal will not be reached at Culebra cut until long after the 1st of next January; that in the time intervening between this and the next session of Congress it will not be necessary to make any preparation whatever for the construction of any locks, on the assumption that a lock canal would be constructed.

In view of the consideration of the matter in Congress, I assume that the Executive, in charge of this work, would not attempt to irrevocably commit the Government to a lock canal or a sea-level canal pending some definite expression by the Congress on the subject.

If it be true that construction may proceed unhindered by a failure to determine definitely at this time the type of canal, then nothing is to be lost by prosecuting the work. It will not be necessary to discontinue excavation, because every yard of material removed will apply alike efficiently to either a lock or a sea-level canal.

The construction of the dams, of course, may not be proceeded with, because I understand from the explanations made in the course of the speeches of Senators, dams are to be constructed at different points dependent upon the type of canal to be constructed.

Mr. CULBERSON. Mr. President——

The PRESIDING OFFICER. Does the Senator from Montana yield to the Senator from Texas?

Mr. CARTER. The Senator from Colorado yielded to me. I have no right to the floor beyond that.

Mr. TELLER. I do not claim the floor.

Mr. CARTER. Certainly, I yield to the Senator from Texas.

Mr. CULBERSON. I wish to call the attention of the Senator to a paragraph in the message of the President. He says:

> The law now on our statute books seems to contemplate a lock canal. In my judgment a lock canal, as herein recommended, is advisable. If the Congress directs that a sea-level canal be constructed its direction will, of course, be carried out. Otherwise the canal will be built on substantially the plan for a lock canal outlined in the accompanying papers, such changes being made, of course, as may be found actually necessary, including possibly the change recommended by the Secretary of War as to the site of the dam on the Pacific side.

Mr. CARTER. From what message is the Senator reading? What is the date?

Mr. CULBERSON. It is the message from the President of February 19, 1906. I do not know what the President means, or rather, when he contemplates that action shall be taken by Congress. If he means that it ought to be taken now, otherwise he will proceed to construct the canal according to the lock-level plan, then if Congress has a different opinion upon this subject it ought to express it now. If any Senator is authorized to give a more definite expression to what is the purpose of the Administration than is contained in this message, it would be well to have him do it.

Mr. CARTER. Irrespective of the policy announced in the message, we may well take into consideration the fact that under the most favorable estimate as to the time hereafter mentioned, from seven to eight years will be required to build a lock canal. I think it is very clear, if it is contemplated that eight years will be consumed in the entire work, that what is done during the next six months will be equally available at the termination of that period for either a lock or a sea-level canal.

As the Senator from Colorado [Mr. TELLER] has suggested, it is not contemplated that any agreement will be reached between the respective Houses of Congress at this session with reference to the type of canal. Therefore, the only result will be to take a hasty vote upon immature consideration rather than a vote at a later date after due deliberation and careful study of the record.

Mr. HALE. Will the Senator allow me a suggestion there?

The PRESIDING OFFICER. Does the Senator from Montana yield to the Senator from Maine?

Mr. CARTER. Certainly.

Mr. HALE. The bill reported by the Committee on Intreoceanic Canals is now the unfinished business. It is the only thing in order after 2 o'clock. If the Senator in charge of the bill insists upon the regular order, nothing else can intervene. We can get no postponement unless the Senate by a majority vote displaces this and puts something else in its place. If a majority of the Senate desires to displace this bill and put something else in its place, that does end the matter at this session so far as the Senate is concerned; but the Senator in charge of the bill has a right, and it is his business and his duty, unless the agreement is made as to when a vote shall be taken, to simply call the regular order after 2 o'clock, and unless somebody is ready to debate the bill there must be a vote.

I understand the Senator in charge of the bill to be perfectly willing to agree that on Monday or Wednesday next the vote shall be taken, so that the Senate may decide what it desires shall be done in this matter. But the talk about this going over has no force, because unless the Senate is ready to displace this as the unfinished business it can not go over.

Mr. GALLINGER. That is true.

Mr. HALE. And I notify Senators that unless the Senate does act upon this matter and makes a decision one way or the other, and then leaves it to the other House, the whole matter will come up on the sundry civil appropriation bill, and we shall be for weeks on that bill, debating back and forth because the Senate has not in any way taken action upon the subject. Therefore, it seems to me it is the part of wisdom in good legislation and in help of what everybody wants to draw this matter to an end, that the Senate now agree to fix a time when a vote shall be had upon this subject. Then we shall proceed either to consider this or other matters, and when the day fixed arrives the Senate will pass upon this matter. But if I had charge of the bill, as the Senator from South Dakota [Mr. KITTREDGE] has charge of it, I should see that the regular order was called every day after 2 o'clock until a vote was taken.

Mr. CARTER. Mr. President, the Senator from Maine has stated a parliamentary situation resulting from the action of the Senate. Even if this bill were not the unfinished business, the Senate could obviously make it so very quickly; and, being the unfinished business, the Senate can quickly displace it.

Mr. HALE. Undoubtedly.

Mr. CARTER. It is a question, therefore, merely as to the will of the Senate concerning the disposition of a matter pending here; and I have expressed but the personal desire, before voting upon this question, to have time to more thoroughly consider it. I am perfectly free to say that the arguments here presented in favor of a sea-level canal have been powerful and

well stated but I should not venture to interfere with the existing condition lightly. I believe my vote, if it were cast as I feel now, would be in favor of building a lock canal, whereas, after a mature and careful consideration of the matter, I might change that view; but I should like to have ample time to read the record. It is a matter involving not a trifle—a difference between $250,000,000 and $500,000,000, involving years and years of construction, and involving operation after construction.

Mr. TELLER obtained the floor.

Mr. BLACKBURN. Mr. President——

The PRESIDING OFFICER. Does the Senator from Colorado yield to the Senator from Kentucky?

Mr. TELLER. Certainly.

Mr. BLACKBURN. Mr. President, there are some facts connected with this situation that I think it would be well enough for the Senate to realize. I take it that it is an open secret, known to every member of this body, that the preference of the Executive is for a lock and dam canal. It is known by every one that, in reaching that conclusion, he has not followed the advice of the majority of the experts, whom he very wisely and very properly summoned to his aid. I think I know the Senate well enough to know that it is not in the habit of being frightened from the proprieties that attend the discharge of its duty by public clamor. I think we are warranted in saying that this Chamber is very much given to following out its own conclusions, when deliberately reached, without giving way to any pressure that may be brought to bear either by the press or by the populace of this country. Yet, Mr. President, I do not believe, and I hope that it is not true if it should be charged, as in some quarters it has been charged, that the Senate is too little responsive to public opinion. I think that an unjust and an unfair criticism.

That brings me to say what all of us know, or should know, that in the judgment of the American people the responsibility rests not upon the executive, but upon the legislative branch of this Government to determine the type of this canal. Its construction is the most gigantic piece of work ever undertaken by this Government from its foundation down till now. Whether measured by the dollars and cents involved in the expenditure, or whether judged in its far-reaching effects upon the commerce of the world, the building of this isthmian canal is the most gigantic project that this American people has ever undertaken.

Congress, the legislative branch of the Government, is primarily and finally responsible, not alone for the appropriation of the money, not alone for the passage of the act that made its construction possible, but for the method of that construction and for the type that is to be employed. Say what we will, the American people will say, and the American people will be justified in saying, that if we fail, if the legislative branch of this Government fail to determine the type of this canal, it is because that legislative branch of the Government lacked the courage to meet the responsibility that rested on it.

It is an open secret, known to you and to all of us—and we had as well face it here and now—that if this session of this Congress adjourns the type of that canal is fixed, and fixed by reason of your nonaction. If this session of this Congress closes without action upon your part, that will be a lock-and-dam canal whether the Congress prefer it or not.

Mr. FORAKER. Mr. President——

Mr. BLACKBURN. It is a plea in abatement——

The PRESIDING OFFICER. Does the Senator from Kentucky yield to the Senator from Ohio?

Mr. BLACKBURN. Certainly.

Mr. FORAKER. The inquiry I addressed to Senators who are serving on this committee was calculated to get information on this point. I understand those Senators, however, to agree that this work may progress until we meet here again in December without affecting the question of the type of the canal. I am unwilling to determine the type of the canal by nonaction. If the Senator from Kentucky be right in saying that nonaction be equivalent to voting for a lock canal, then I should feel differently about the matter of fixing a time to take the vote; but it seems to me, in any event, if the Senator from Kentucky will pardon me a moment longer——

Mr. BLACKBURN. Certainly.

Mr. FORAKER. That next Monday is a very early day, although we are to adjourn within two or three weeks, I suppose, to fix as the time to vote. If we could have this vote taken a little bit later than that, it would give some of us an opportunity to read that which we ought to read, but which we have not yet had an opportunity to read.

When the Senator from New Jersey [Mr. DRYDEN] was making his speech this morning, I noticed he said that General Hains and General Ernst, two very distinguished engineers, were of one opinion, and that Gen. George W. Davis, a man of the highest character and of the greatest ability, and a gentleman in whom I have the greatest confidence, was of a directly opposite opinion. I should like to read, and read with care, the testimony of at least those three men before I am compelled to vote on this very important subject. It does seem to me that to ask us to vote next Monday, when confessedly a majority of the Senators have not had time to read this testimony, is crowding us too much. But I do not want to delay the construction of the canal, and I will do whatever may be necessary to qualify myself to vote intelligently at any time the Senate may see fit to fix. I think nothing is to be lost by determining this matter next December, instead of now; and it seems to me we would all be benefited by an opportunity that would be given by delay to look into this matter and read the testimony.

Mr. BLACKBURN. Mr. President——

Mr. KITTREDGE. Will the Senator yield to me just to make a statement?

Mr. BLACKBURN. With pleasure.

Mr. KITTREDGE. I was engaged when the Senator from Ohio [Mr. FORAKER] made the inquiry which brought forth the statement of the Senator from Kentucky; but I had in mind then, and I submit now, that in a recent interview with the Chief Engineer, Mr. Stevens, he said that, unless Congress acted upon this question at this session, the work would proceed in the construction of a lock canal.

Mr. BLACKBURN. I was coming to that statement of the Chief Engineer.

Mr. President, I am not a member of the committee that reports this bill. I probably have had as little oportunity for complete and full information upon this subject as the average Senator; yet I have looked into it sufficiently to cause me to hold very decided views as to the merits of these two propositions. But that question I do not propose to discuss here and now. It is not for us at this juncture to determine whether the sea-level or the lock and dam canal be the most advantageous. The point to which I was addressing myself was, what seems to me to be the necessity for Congress acting upon this question and determining the type of canal before we shall adjourn and close this session.

It is suggested that if this Congress adjourns and this matter be left in abeyance until next December it will in no wise affect the work to be done between this and that time. It has been suggested by the Senator from Montana [Mr. CARTER] that no work to be done between this and December will be lost, misapplied, or wasted, because it will answer as well for the one type of canal as for the other. Who stands sponsor for this statement? The Senator from Ohio [Mr. FORAKER] tells us that he understands that the committee in charge of the bill are agreed on this condition. I have failed as yet to hear any member of that committee offer a guaranty to the Senate that nonaction at this session will produce no effect upon the final determination of the type to be adopted.

Mr. FORAKER. Will the Senator allow me to interrupt him?

The PRESIDING OFFICER. Does the Senator from Kentucky yield to the Senator from Ohio?

Mr. BLACKBURN. Certainly.

Mr. FORAKER. If the Senator will allow me, I will withdraw the statement I made as to the committee being agreed. I made inquiry of members of the committee. One member of the committee answered for the committee, as I understood it, and no member of the committee took any exception to what he said, and so I supposed it was acquiesced in.

Mr. BLACKBURN. I was not criticising the Senator's statement as unwarranted at all.

Mr. FORAKER. But since the Senator from South Dakota [Mr. KITTREDGE] has made a different statement, and in view of his statement, I will withdraw what I said.

Mr. CARTER. Will the Senator from Kentucky permit me?

Mr. BLACKBURN. I am trespassing upon the time of the Senator from Colorado.

The PRESIDING OFFICER. Does the Senator from Colorado yield to the Senator from Montana?

Mr. TELLER. I yield.

Mr. CARTER. I wish to say to the Senator from Kentucky that my statement was based upon the statement made by the junior Senator from Illinois [Mr. HOPKINS], a member of the committee.

Mr. HOPKINS. Now, will the Senator from Kentucky allow me?

Mr. BLACKBURN. Is it for a question?

Mr. HOPKINS. No; I want to make a statement in connection with what the Senator from Montana has just said; but I will wait until the Senator from Kentucky concludes.

Mr. BLACKBURN. Mr. President, I will be through in a

moment. It seems to me that if we should let this question go over undecided it will simply be in the nature of a motion for a continuance. The original proposition that I submitted, and to which I invite the attention of the Senate, is this: Fairly, by any rule that you may lay down, it is not the President of the United States, but it is the Congress of the United States that is properly charged with the responsibility of determining the question of the type of this canal. If that be true, then I go one step further and submit the other suggestion. In the light of the statement of the Chief Engineer himself, just quoted by the Senator from South Dakota [Mr. KITTREDGE], and in the light of the situation that confronts us, I submit——

Mr. HOPKINS. Mr. President, will the Senator permit me to ask him a question?

The PRESIDING OFFICER. Does the Senator from Kentucky yield to the Senator from Illinois?

Mr. BLACKBURN. Certainly.

Mr. HOPKINS. Does the Senator from Kentucky expect, if a vote is taken by the Senate on the question of the type of canal, that that question will be settled by the two Houses before the adjournment of Congress?

Mr. BLACKBURN. I will answer the Senator from Illinois. I might answer, and say that I hope so; but I will not stop with that answer; I will go further, and, in answer to the Senator's question, I will say that whether some other body is to act upon this question before adjournment does not affect the obligations that rest upon a Senator.

Mr. HOPKINS. But suppose the other branch of Congress——

The PRESIDING OFFICER. Does the Senator from Kentucky yield to the Senator from Illinois?

Mr. BLACKBURN. Certainly.

Mr. HOPKINS. Suppose the other branch of Congress adopts the lock-canal plan, and the Senate stands for one proposition and the House for another——

Mr. BLACKBURN. Very well.

Mr. HOPKINS. Does the Senator expect that Congress will remain in session until the two branches of Congress agree upon one type or the other?

Mr. BLACKBURN. I will answer the Senator and say that, as a Senator, I am not responsible for what another House of Congress may do. As a Senator I am responsible for the discharge, and the faithful and intelligent discharge, of the duties that rest upon a member of this Chamber.

Mr. HOPKINS. But, Mr. President——

The PRESIDING OFFICER. Does the Senator from Kentucky yield to the Senator from Illinois?

Mr. BLACKBURN. I should be through in a moment.

Mr. HOPKINS. But give me one moment right there.

Mr. BLACKBURN. Is it a question?

Mr. HOPKINS. Yes, sir.

Mr. BLACKBURN. Very well.

Mr. HOPKINS. Is it not just as much the obligation of a Senator, after the Senate has passed upon the type of the canal, to stay here until that type is settled by legislation as it is——

Mr. BLACKBURN. I will answer that question.

Mr. HOPKINS. As it is to vote on the type without knowing what the other branch of Congress will do?

Mr. BLACKBURN. I hope the Senator will at least let me have the privilege of answering one question before piling up others. But I will undertake to answer all of them, if I have time. I will answer the Senator, and say that he will find that I will not be pressing for an adjournment of this Congress until every effort has been made to complete the work that we owe in the matter of fixing the type of canal. Whether we adjourn on the 1st day of July or the 1st day of October does not matter to me. I have stayed here in the Senate Chamber until September and October in continuous session, and I am perfectly willing and ready to do it again before I will make myself fairly amenable to the criticism that the people of this country will have a right to pass upon us if we quit our post without discharging our duty. If it be true that the obligation of fixing the type of canal rests upon the legislative instead of the executive department, and if it be true, as I believe it is true, as I think the American people believe it is true, and as the Chief Engineer of this canal tells you it is true, that an adjournment of Congress without fixing the type of canal, nonaction upon your part, is affirmative action in favor of a lock and dam canal——

Mr. HOPKINS. What is the authority of the Senator for saying that the Chief Engineer has made that statement?

Mr. BLACKBURN. The Senator from South Dakota [Mr. KITTREDGE] told you so. I read it in the press.

Mr. HOPKINS. Mr. President——

The PRESIDING OFFICER. Does the Senator from Kentucky yield to the Senator from Illinois?

Mr. BLACKBURN. Certainly.

Mr. HOPKINS. I have not seen that statement, and I read the newspapers as other Senators do. The Chief Engineer may have made that statement, but I should like to have something definite before it is assumed here in the Senate that the Chief Engineer has made a statement of that kind.

Mr. BLACKBURN. The Senator's colleague from South Dakota [Mr. KITTREDGE] told you so.

Mr. HOPKINS. But what is the Senator's authority?

Mr. HALE. Mr. President——

The PRESIDING OFFICER. Does the Senator from Kentucky yield to the Senator from Maine?

Mr. HALE. I think the Senator from Colorado has the floor.

The PRESIDING OFFICER. Does the Senator from Colorado yield to the Senator from Maine?

Mr. TELLER. Certainly.

Mr. HALE. I appeal to the Senator from Colorado to allow the Senator from South Dakota who has charge of this bill to submit his proposition to the Senate.

Mr. TELLER. That is what I have been waiting for.

Mr. BLACKBURN. Mr. President, the Senator from Colorado very courteously yielded me the floor, but it seems that several other Senators are a little jealous of the privileges that that courtesy secured me.

Mr. HALE. I do not think anybody wants to interfere with the Senator. He has put his point very clearly; but really the regular order——

Mr. BLACKBURN. Now, is it the province of the Senator from Maine to regulate and limit the extent of the courtesy extended by the Senator from Colorado?

Mr. HALE. No; it is the province of the Senator from Kentucky.

Mr. BLACKBURN. Mr. President, my vanity almost permits me to conclude that the Senate, or some Senators, are very anxious to have me continue, because I have already stated that if I were left alone I would be through in two minutes by that clock, and I want to quit.

Mr. HALE. Let us see how long the Senator will take in quitting.

Mr. BLACKBURN. The Senator from Maine would be more comfortable in his chair. [Laughter.]

Mr. HALE. I do not want to interfere with the Senator from Kentucky, but I think he and I are trying to secure an agreement about the same thing, namely, to fix a time for a vote.

Mr. BLACKBURN. I am sure we are.

Mr. HALE. Yes.

Mr. BLACKBURN. Now, Mr. President, after the very pleasant suggestion made by the Senator from Maine, I am resolved that I will disappoint Senators and I will quit. I only want to add that, for one I am not willing to have the American people complain of a failure of the discharge of a duty as palpable as this appears to me to be. If we do not, if this Chamber does not by a vote before adjournment express its preference as to the type of the canal that is to be constructed, the people will have a right to say—and, in my judgment, the people will say—that we have simply shirked our responsibility, shown ourselves unequal to the duties that devolve upon us, and are at fault. I do not intend to be guilty of that offense.

The PRESIDING OFFICER. Is there objection to the request of the Senator from South Dakota [Mr. KITTREDGE]? The Chair hears none, and it is so ordered.

Mr. HOPKINS. As modified?

The PRESIDING OFFICER. As modified by the Senator from Illinois [Mr. HOPKINS].

Mr. SCOTT. I understood the Senator from Colorado had the floor; and I do not see how the proposition could be accepted without his yielding.

Mr. HALE. He has agreed to it.

Mr. TELLER. I yielded to have this thing settled. I understand it is now settled, and that we will vote on Monday.

The PRESIDING OFFICER. The Chair so understands.

Mr. TELLER. I called attention to the fact that it was not likely that any action would be taken by the House, and that it seemed to me we were unduly hastening this matter, when we might vote any time next week, because whether we voted on Monday or Saturday would not make any difference, inasmuch as the House does not intend to take up the bill at the present session. It may be said that we do not know what the other House is going to do; and that was the condition of things some years ago. But to-day, if you know where to inquire, you can find out in advance what the House is going to do or what it is not going to do. The condition is as I stated it, and I think

other Senators all know as well as I do that this matter will remain quietly in the House during the remainder of the session.

Mr. FORAKER. Mr. President, I rise to a parliamentary inquiry.

The PRESIDING OFFICER. The Senator from Ohio will state his parliamentary inquiry.

Mr. FORAKER. I understand that it was announced from the Chair a moment ago that unanimous consent had been given to vote on this bill on next Monday. I want to say to Senators that I did not agree to vote on next Monday. The Senator from Colorado [Mr. TELLER] was upon the floor, addressing the Senate. He had not quit the floor. I did not know the matter was determined. Other Senators around me were not aware of it. I want to say distinctly and emphatically that I have not agreed, and I do not intend to agree, to vote on the bill on next Monday. Now, I——

Mr. TELLER. I yielded the floor, as is the custom.

Mr. FORAKER. I ask that the request may be again stated, so that we may know whether we are to vote at 3 o'clock on Monday.

Mr. TELLER. It makes no difference whether I yielded the floor or did not, so far as that is concerned. I was not on the floor when the matter was submitted, and I in no wise interfered with the submission of the request. I do not know why the Senator refers to me as having anything to do with it.

Mr. FORAKER. I am not charging the Senator from Colorado with having anything to do with it. The Senator still had the floor. He was being interrupted and was being asked to yield. I did not suppose that in the lull of a moment the request would be submitted and declared agreed to, when disagreement had already been manifested. I do not want to delay this matter, but I am not willing to vote next Monday. I do not know of any necessity for voting so early as Monday. If it could be put off two or three days, it would give a much-needed opportunity to read the testimony. I shall not agree to vote on this measure until I have a chance to look through the testimony given by the distinguished engineers who have been referred to in the speeches made here by Senators on the committee.

The PRESIDING OFFICER. The Chair endeavored to state the request so that every Senator would have a chance to object, and the Chair heard no objection, and so stated.

Mr. FORAKER. Senators are familiar with the way in which a great many matters happen here. Just at that particular moment some Senator spoke to me and my attention was diverted for the moment. I did not know there was any such haste about it.

Mr. KITTREDGE. Mr. President——

The PRESIDING OFFICER. Does the Senator from Colorado yield to the Senator from South Dakota?

Mr. TELLER. I do.

Mr. KITTREDGE. Mr. President, I will ask——

Mr. GALLINGER. Let us have order, Mr. President, so that there shall be no further objection after the agreement is made.

The PRESIDING OFFICER. The Senate will be in order.

Mr. KITTREDGE. I ask that the unanimous-consent agreement be considered open, and that Wednesday afternoon at 3 o'clock be fixed as the time.

Mr. FORAKER. I would rather it would be Thursday, but I will adapt myself——

Mr. KITTREDGE. I will agree to Thursday.

Mr. TELLER (to Mr. KITTREDGE). Give him until Thursday.

Mr. KITTREDGE. I will agree to Thursday.

The PRESIDING OFFICER. The proposed agreement will be stated.

The SECRETARY. That on Thursday, June 21, 1906, at 3 o'clock, the Senate begin voting on the bill.

The PRESIDING OFFICER. Is there objection to the request of the Senator from South Dakota?

Mr. HOPKINS. Mr. President, if we are going to adjourn this month, as some Senators seem to indicate, and if we postpone the vote until Thursday, expecting, as the Senator from Kentucky seemed to indicate in his speech, that we shall settle the type of the canal at this session, we are giving the other branch of Congress no time whatever to take up this great problem and consider it and debate it and settle it.

The PRESIDING OFFICER. Is there objection to the request of the Senator from South Dakota?

Mr. HOPKINS. As I have said, I am personally——

The PRESIDING OFFICER. Is there objection to the request of the Senator from South Dakota? The Chair hears none, and it is so ordered.

Mr. FORAKER. What is the order?

Mr. HALE. Thursday.

The PRESIDING OFFICER. It will again be stated.

The SECRETARY. It is agreed on Thursday, June 21, at 3 o'clock, to begin voting.

Mr. FORAKER. That is, to vote on the bill and all amendments that may be pending?

The PRESIDING OFFICER. The Chair so understands.

Mr. HALE. I submit a privileged report.

The PRESIDING OFFICER. The Senator from Maine presents a conference report, which will be read.

The Secretary proceeded to read the conference report on the diplomatic and consular appropriation bill.

Mr. TELLER. Mr. President, I raise a question of order. I have not yielded the floor. The Senator from Maine did not ask permission of me.

Mr. HALE. I thought, as the other matter was concluded, that the Senator from Colorado had yielded the floor.

Mr. TELLER. No; I have the floor, and I started in to make a speech.

Mr. HALE. I will withdraw the report.

The PRESIDING OFFICER. The Chair was at fault.

Mr. TELLER. I am quite willing to yield, but I want the rule of the Senate followed out. I want the Senator to ask permission of me, and I will yield.

Mr. HALE. I ask the Senator to yield to me to submit two conference reports.

Mr. TELLER. Does the Senator expect to have action upon them, or does he simply ask that they be read?

Mr. HALE. There is no objection to either one of them. One of the reports is signed by the Senator from Colorado.

Mr. TELLER. I have tried for the last half hour to say something, and if it will convenience the Senate more that I should postpone saying what I have to say until to-morrow, I am perfectly willing to do so.

Mr. HALE. I leave that entirely to the Senator.

Mr. TELLER. I ask unanimous consent that I may suspend now and go on in the morning at the first opportunity; and if the Senator from South Dakota would call up the canal bill early in the morning hour, I think it would be well.

DIPLOMATIC AND CONSULAR APPROPRIATION BILL.

Mr. HALE submitted the following report:

The committee of conference of the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 19264) making appropriations for the diplomatic and consular service for the fiscal year ending June 30, 1907, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendments of the Senate numbered 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 21, 22, 23, 24, 25, 26, 27, 28, 30, 31, 32, 33, 34, 35, 37, and 38; and agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 20, and agree to the same with an amendment as follows: In lieu of the sum proposed insert the following: "$109,225;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment numbered 29, and agree to the same with an amendment as follows: In the last line of said amendment strike out the word "thirty" and insert in lieu thereof the word "twenty;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 36, and agree to the same with an amendment as follows: In said amendment strike out the words "and fifty-five;" and the Senate agree to the same.

EUGENE HALE,
S. M. CULLOM,
H. M. TELLER,
Managers on the part of the Senate.

R. G. COUSINS,
C. B. LANDIS,
H. D. FLOOD,
Managers on the part of the House.

The report was agreed to.

NAVAL APPROPRIATION BILL.

Mr. HALE submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 18750) making appropriations for the naval service for the fiscal year ending June 30, 1907, and for other purposes, having

met, after full and free conference have agreed to recommend and do recommend to their respective Houses, as follows:

That the Senate recede from its amendments numbered 4, 9, 34, 35, 38, and 47.

That the House recede from its disagreement to the amendments of the Senate numbered 1, 3, 5, 11, 12, 14, 16, 17, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 39, 40, 41, 42, 43, 44, 45, 46, 48, 49, 50, 53, 54, 57, 58, 59, and 63, and agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 8, and agree to the same with an amendment as follows:

In line 10 of said amendment strike out the colon and insert in lieu thereof a period.

In lines 10, 11, 12, 13, 14, and 15 of said amendment strike out the following: "*Provided*, That hereafter the pay and allowances of chaplains shall be the same, rank for rank, as is or may be provided by law for officers of the line and of the Medical and Pay Corps, all of whom shall hereafter receive the same pay on shore duty as is now provided for sea duty: *And provided further*," and insert in lieu thereof as a new paragraph the following:

"That all chaplains now in the Navy above the grade of lieutenant shall receive the pay and allowances of lieutenant-commander in the Navy according to length of service under the provisions of law for that rank, and all chaplains now in the Navy in the grade of lieutenant shall receive their present sea pay when on shore duty: *Provided*, That naval chaplains hereafter appointed shall have the rank, pay, and allowances of lieutenant (junior grade) in the Navy until they shall have completed seven years of service, when they shall have the rank, pay, and allowances of lieutenant in the Navy; and lieutenants shall be promoted, whenever vacancies occur, to the grade of lieutenant-commander, which shall consist of five members, and when so promoted shall receive the rank, pay, and allowances of lieutenant-commander in the Navy: *Provided further*, That nothing herein contained shall be held or construed to increase the number of chaplains as now authorized by law or to reduce the rank or pay of any now serving."

In line 17 of said amendment, commencing with the word "That," have a new paragraph; and in lines 17 and 18 of said amendment strike out the words "pay and;" and in line 21 of said amendment strike out the words "pay and."

And the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 10, and agree to the same with amendments as follows: In line 4 of said amendment strike out the words "rank, highest;" and in lines 4 and 5 of said amendment strike out the comma after the word "commander" and the words "and of no higher rank;" and in lines 6 and 7 strike out the words "be appointed from civil life in the manner and at" and insert in lieu thereof the word "receive;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 15, and agree to the same with an amendment as follows: In said amendment, after the word "million," strike out the words "three hundred thousand;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 18, and agree to the same with an amendment as follows: In line 5 of said amendment strike out the words "immediately available and to be;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 36, and agree to the same with an amendment as follows: In the last line of said amendment strike out the comma and the words "to be immediately available;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 51, and agree to the same with an amendment as follows: In line 6 of said amendment, after the word "graduation," insert the following: "or that may occur for other reasons;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 52, and agree to the same with an amendment as follows: In lines 4, 5, and 6 of said amendment strike out the following: "therein according to that held by them respectively when so appointed, if such appointees are officers of the Navy, otherwise;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 60, and agree to the same with an amendment as follows: In said amendment strike out the words "one million" and insert in lieu thereof the words "five hundred thousand;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 61, and agree to the same with an amendment as follows: On page 76 of the bill, at the end of line 5, insert the following: "But this provision shall not apply to or interfere with contracts for such armor already entered into, signed and executed by the Secretary of the Navy;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 62, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$33,475,829;" and the Senate agree to the same.

On amendments numbered 2, 6, 7, 13, 32, 33, 37, 55, and 56 the committee of conference have been unable to agree.

EUGENE HALE,
GEO. C. PERKINS,
B. R. TILLMAN,
Managers on the part of the Senate.

GEORGE EDMUND FOSS,
H. C. LOUDENSLAGER,
ADOLPH MEYER,
Managers on the part of the House.

Mr. GALLINGER. Mr. President, I did not very attentively listen to the reading of the report. Perhaps if I had I would not have secured the information I desire. I desire to ask the Senator from Maine whether the amendment which was placed in the bill by the Senate in reference to securing information concerning the great battle ship which was provided for has been agreed to or not.

Mr. HALE. Mr. President, that is a matter which is left open. The Senate conferees have not by any means yielded, and so far as I know do not propose to yield the Senate amendment.

Mr. GALLINGER. I trust, Mr. President——

Mr. BACON. As I understand the matter, this refers to the amendment by which this subject is left until the next session for final determination by Congress.

Mr. HALE. The type of the vessel being entirely vague, the Senate adopted an amendment requiring the Secretary to report at the next session a plan in detail. All the more, the Senate agreed to it, because it is so marked a departure that it is understood and admitted by everybody that it will take from now until December to get the plans in order.

Mr. GALLINGER. Mr. President, I wish to add that having taken some interest in this matter, being a member of the Committee on Naval Affairs, I sincerely trust the conferees on the part of the Senate will insist to the limit on retaining the amendment in the bill.

Mr. WARREN. I wish to ask the Senator from Maine if that is the only amendment in disagreement?

Mr. HALE. No; there are other disagreements, but I think this is perhaps the only one which will give rise to a contest.

Mr. WARREN. I wish simply to express the hope that the Senator will insist and continue to insist upon the amendment.

Mr. HALE. So far as I am concerned, I certainly shall.

The PRESIDING OFFICER. The question is on agreeing to the report of the committee of conference.

The report was agreed to.

Mr. HALE. I move that the Senate further insist upon its amendments, and request a further conference with the House of Representatives on the disagreeing votes of the two Houses thereon, and that the Chair be authorized to appoint the conferees on the part of the Senate.

The motion was agreed to; and the Presiding Officer appointed as the conferees on the part of the Senate Mr. HALE, Mr. PERKINS, and Mr. TILLMAN.

ADDITIONAL COLLECTION DISTRICT IN TEXAS.

Mr. HOPKINS submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 10715) to establish an additional collection district in the State of Texas, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendments of the Senate numbered 1, 2, 3, and 5, and agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 4, and agree to the same with an amendment as follows: Add at the end of section 1 the following: "And the charges for the use of said docks and wharves shall be just and reasonable, and shall not be greater than

charges for similar services at other ports of the United States on the Gulf of Mexico;" and the Senate agree to the same.

S. B. ELKINS,
A. J. HOPKINS,
A. S. CLAY,
Managers on the part of the Senate.
CHARLES CURTIS,
H. S. BOUTELL,
CHAMP CLARK,
Managers on the part of the House.

The report was agreed to.

LAKE ERIE AND OHIO RIVER SHIP CANAL.

Mr. PENROSE. I desire to call up the bill (H. R. 14396) to incorporate the Lake Erie and Ohio River Ship Canal, to define the powers thereof, and to facilitate interstate commerce, if the unfinished business has been disposed of for the day.

Mr. KITTREDGE. I will ask unanimous consent that the unfinished business be temporarily laid aside.

The PRESIDING OFFICER. The Senator from South Dakota asks unanimous consent that the unfinished business be temporarily laid aside. Is there objection? The Chair hears none.

Mr. PENROSE. I now call up the Lake Erie and Ohio River Ship Canal bill.

There being no objection, the Senate, as in Committee of the Whole, resumed the consideration of the bill.

Mr. WARREN. Will the Senator from Pennsylvania yield to me to make a report from a committee?

Mr. PENROSE. I yield.

The PRESIDING OFFICER. The Senator has no right to yield for that purpose under the rule.

Mr. PENROSE. Then I ask for the consideration of the ship-canal bill.

Mr. BACON. Mr. President, when the Senate ceased to consider this bill I had the floor, and I presume I would be expected to go on now; but I hope the Senator from Pennsylvania will not insist upon it. I have been here all day long, and am quite weary. The bill can not be finished this evening anyway. I am sure Senators do not want to listen to me at this late hour, and I have as little disposition to be heard at this time. I have been here continuously since 12 o'clock, without any intermission whatever. It would be an imposition upon the Senate, I am sure, for me to attempt to speak now, and it would be disagreeable to me to go on. I am very sure the bill can not be finished this evening. The junior Senator from Wisconsin [Mr. LA FOLLETTE] desires to be heard, and he stated to me that he had conferred with the junior Senator from Pennsylvania [Mr. KNOX], and that he had consented that it should not be concluded to-night. That being the case, I do not know of any particular advantage to be derived in my proceeding this evening. I do not know that I will have very much to say, and I am very sorry I did not have the opportunity to conclude yesterday. It would hardly be fair to go on at this time.

Mr. PENROSE. Of course I do not desire to inconvenience the Senator from Georgia or the Senate. This bill is third on the Calendar. It is one of very great importance to Pennsylvania, West Virginia, Ohio, and twenty-four other States, and the whole country, in my opinion, and it is fairly entitled to early consideration before adjournment. I had hoped that it would be finally disposed of long before this. Still, if the Senator from Georgia makes the request, I will ask unanimous consent——

Mr. BACON. I will say to the Senator that I could have stopped the consideration of the bill at any time yesterday by an objection.

Mr. PENROSE. I know that, and I could also have moved that the Senate proceed to the consideration of the bill, and I think the Senate would have sustained me.

Mr. BACON. I simply stated that to show I have no disposition to interfere with the bill.

Mr. PENROSE. In view of the additional fact that the Senator thinks his remarks will be brief——

Mr. BACON. I do not make any promise, but I think the Senator will not be disappointed in his expectation.

Mr. PENROSE. Those facts lead me to ask unanimous consent of the Senate that this measure may be considered to-morrow, without interfering with the unfinished business and after it has been temporarily laid aside. I make that request.

The PRESIDING OFFICER. The Senator from Pennsylvania asks unanimous consent——

Mr. BACON. What time?

Mr. PENROSE. I ask unanimous consent that the ship canal bill may be considered, without interfering with anyone desiring to speak on the unfinished business, if any Senator does so desire, after the routine morning business is closed and after the unfinished business is temporarily laid aside.

Mr. BACON. I understand that to be after 2 o'clock.

Mr. PENROSE. If there should be an interval before 2 o'clock, I should like to have the bill taken up.

Mr. BACON. I simply wish to say a word. I have sat here the entire day, hardly taking time for a very hasty luncheon, in order that I might be present if the bill came up. I would very much prefer that the Senator should fix it for some time after 2 o'clock, in order that I may not be compelled to devote my entire time to one matter; and I will certainly consent to any arrangement he may desire, if he will make it subsequent to that time.

Mr. NELSON. Mr. President——

The PRESIDING OFFICER. Does the Senator from Pennsylvania yield to the Senator from Minnesota?

Mr. PENROSE. Yes.

Mr. NELSON. I suggest that the Senator ask unanimous consent to take it up after the routine morning business.

Mr. PENROSE. I should like to make that request, but I am informed that the Senator from Colorado [Mr. TELLER] desires to address the Senate after the close of the routine morning business upon the isthmian canal measure.

Mr. NELSON. I did not know that.

Mr. PENROSE. I will modify my request, and ask unanimous consent that the measure be taken up after the unfinished business is temporarily laid aside after the hour of 2 o'clock.

The PRESIDING OFFICER. The Senator from Pennsylvania asks unanimous consent that the bill which is now before the Senate be taken up to-morrow after the unfinished business is laid aside temporarily——

Mr. BACON. And after 2 o'clock.

The PRESIDING OFFICER. And after the hour of 2 o'clock. Is there objection? The Chair hears none, and it is so ordered.

ARTILLERY OF THE UNITED STATES ARMY.

Mr. WARREN. I ask unanimous consent to submit a report. I am directed by the Committee on Military Affairs, to whom was referred the bill (S. 3923) to reorganize and to increase the efficiency of the artillery of the United States Army, to report it with amendments.

Mr. President, I ask permission to say a few words.

I want to invite the early and careful consideration of Senators to the provisions of the bill, not with the intention of taking it up and disposing of it at this session, but so that Senators may be ready to assist the Military Committee and, for that matter, the country to unravel and reform somewhat a regrettable tangle.

According to the so-called "Endicott Board," the United States Government has been for a number of years appropriating and expending annually large amounts of money on our coast defenses. Every emplacement and gun put in position requires attention after its installment, and if we are ever called upon to use this arm of defense, we must have skilled artillerymen, machinists, electricians, and others trained in the service.

Now, while we have expended and appropriated these large amounts of money, and are going forward from day to day in the expenditure of still further sums, we are not furnishing artillerymen and others to man the guns and to care for them, and the result is that about one-half of our defenses are manless, motionless, and, as a consequence, worthless in case of sudden attack. The best that can now be done for the guns mentioned is to oil, wax, cover with canvas, and bid them good-by. We are installing expensive systems of searchlights, range finders, and a thousand and one modern improvements, all requiring expert knowledge of handling and careful laborious labor in protecting. And yet we have no more skilled men and pay no higher compensation than we used to when we used the obsolete smoothbore muzzle-loading guns and had but few in position. The situation is becoming well-nigh intolerable, and we must, in ordinary decency, in the performance of our public duties either discontinue further appropriations and box up or sack up a part of our present armament, or we must increase the artillery branch of the Army.

In 1901 we added to the duties of the artillery the torpedo defenses, submarine mines, etc., formerly in charge of the engineers; but we have not provided the men or money to care for these, and this adds to the embarrassment and demoralization.

The War Department is, in all its branches, a unit in urging the addition of about 6,000 men to the artillery branch, and also in advancing the pay of certain skilled electricians, engineers, etc., in the artillery. The Military Committee of the Senate is a unit in the support of this increase, but, Mr. Presi-

dent, there are members of the committee who desire to investigate further the practicability of decreasing some other branch of the service in providing for this increase, and the cavalry has been mentioned as the proper arm to be diminished.

I think we should not reduce any other branch, and a majority of the committee share this opinion. Every member, however, of the committee is free, as is every member of this body, to take up and discuss this subject upon its merits, and I earnestly entreat the Congress to give early attention and relief.

I should like to have every Senator make it his business to look into the subject, so that at an early day in the next session we may take up the whole subject and dispose of it.

The PRESIDING OFFICER. The bill will be placed on the Calendar.

LANDS AND FUNDS OF OSAGE INDIANS, OKLAHOMA TERRITORY.

Mr. LONG. I ask unanimous consent for the present consideration of the bill (H. R. 15333) for the division of the lands and funds of the Osage Indians in Oklahoma Territory, and for other purposes. I called it up the other day, and the Senator from Wisconsin [Mr. SPOONER] asked that it be laid over in order to make some examination. He has withdrawn his objection.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on Indian Affairs with amendments.

Mr. LONG. I renew the request I made the other day, that the formal reading of the bill be dispensed with, that it be read for amendment, and that committee amendments be first considered.

The PRESIDING OFFICER. It will be so ordered.

The Secretary proceeded to read the bill.

The first amendment of the Committee on Indian Affairs was, in section 1, page 2, line 25, after the words "of the," to strike out "introduction of this bill in the House of Representatives, namely, February 21, 1906," and insert "approval of this act;" so as to read:

And the Secretary of the Interior shall have authority to place on the Osage roll the names of all persons found by him, after investigation, to be so entitled, whose applications were pending on the date of the approval of this act.

The amendment was agreed to.

The next amendment was, on page 3, line 17, after the word "*Provided*," to strike out the additional proviso in the following words:

Provided further, That said list shall contain the names of persons now on the Osage roll heretofore investigated by the Secretary of the Interior and whose right to be on said roll was sustained by him unless new and material evidence is submitted.

The amendment was agreed to.

The next amendment was, in section 2, on page 4, line 12, after the word "then," to strike out "it shall be the duty of the United States Indian agent for the Osages to make such selection for such member or members" and insert "such selection shall be made by the person or persons whom the Secretary of the Interior shall designate;" and in line 18, after the word "Osages," to insert "subject to the approval of the Secretary of the Interior;" so as to read:

And if any adult member fails, refuses, or is unable to make such selection within said time, then such selection shall be made by the person or persons whom the Secretary of the Interior shall designate. That all said first selections for minors shall be made by the United States Indian agent for the Osages, subject to the approval of the Secretary of the Interior.

The amendment was agreed to.

The next amendment was, on page 6, line 18, after the word "be," to strike out "nontaxable and;" and in line 19, after the word "years," to strike out "and shall be designated as surplus lands" and insert "except as hereinafter provided;" so as to read:

The other two selections of each member, together with his share of the remaining lands allotted to the member, shall be known as "surplus land," and shall be inalienable for twenty-five years, except as hereinafter provided.

The amendment was agreed to.

The next amendment was, on page 7, line 5, after the word "of" where it occurs the first time, to strike out "three members" and insert "one member;" in line 6, after the word "and," to strike out "a person" and insert "two persons;" and in line 8, after the words "Indian Affairs," to strike out "and one other person to be selected by" and insert "subject to the approval of;" so as to read:

Sixth. The selection and division of lands herein provided for shall be made under the supervision of, or by, a commission consisting of one member of the Osage tribe, to be selected by the Osage council, and two persons to be selected by the Commissioner of Indian Affairs, subject to the approval of the Secretary of the Interior.

The amendment was agreed to.

The next amendment was, on page 7, line 25, after the word "and," to strike out "untaxable" and insert "nontaxable;" on page 8, line 6, after the word "competency," to strike out "the lands of such member (except his or her homestead) shall become subject to taxation, and;" and in line 11, after the words "United States," to insert:

And the Secretary of the Interior is hereby authorized, in his discretion, to pay each member all or any part of the funds segregated and placed to the individual credit of such member; and the Secretary of the Interior is hereby authorized and directed to pay any and all taxes upon the surplus land of any member of said tribe so long as any funds remain in the Treasury credited to such member or belonging to such member as his or her pro rata share of any undistributed funds, and such tax shall be paid prior to the time when any penalty accrues or forfeiture occurs under any law of the Territory or State of Oklahoma.

So as to read:

Seventh. That the Secretary of the Interior, in his discretion, at the request and upon the petition of any adult member of the tribe, may issue to such member a certificate of competency, authorizing him to sell and convey any of the lands deeded him by reason of this act, except his homestead, which shall remain inalienable and nontaxable for a period of twenty-five years, or during the life of the homestead allottee, if upon investigation, consideration, and examination of the request he shall find any such member fully competent and capable of transacting his or her own business and caring for his or her own individual affairs: *Provided*, That upon the issuance of such certificate of competency such member, except as herein provided, shall have the right to manage, control, and dispose of his or her lands the same as any citizen of the United States; and the Secretary of the Interior is hereby authorized, in his discretion, to pay, etc.

The amendment was agreed to.

The next amendment was, on page 9, line 16, after the word "division," to strike out "the quarter section of land conforming to the public surveys, near Gray Horse," and insert "10 acres of land near Gray Horse, to be designated by the Secretary of the Interior;" and in line 21, after the word "said," to strike out "quarter section of land" and insert "10 acres;" so as to read:

There shall also be reserved from selection and division 10 acres of land near Gray Horse, to be designated by the Secretary of the Interior, on which are located the dwelling houses of John N. Florer, Walter O. Florer, and John L. Bird; and said John N. Florer shall be allowed to purchase said 10 acres at the appraised value placed thereon by the Osage Allotting Commission, the proceeds of the sale to be placed to the credit of the Indians and to be distributed like other funds herein provided for.

The amendment was agreed to.

The next amendment was, on page 12, line 1, after the word "commission," to insert "subject to the approval of the Secretary of the Interior;" so as to make the proviso read:

Provided, That the house known as the chief's house, together with the lot or lots on which said house is located, and the house known as the United States interpreter's house, in Pawhuska, Okla., together with the lot or lots on which said houses are located, shall be reserved from sale to the highest bidder and shall be sold to the principal chief of the Osages and the United States interpreter for the Osages, respectively, at the appraised value of the same, said appraisement to be made by the Osage town-site commission, subject to the approval of the Secretary of the Interior.

The amendment was agreed to.

The next amendment was, on page 12, line 20, after the words "nineteen hundred and five," to insert "relating to the Osage Reservation, pages 1061 and 1062, volume 33, United States Statutes at Large;" so as to make the paragraph read:

That the provisions of an act entitled "An act making appropriations for the current and contingent expenses of the Indian Department and for fulfilling treaty stipulations with various Indian tribes for the fiscal year ending June 30, 1906, and for other purposes," approved March 3, 1905, relating to the Osage Reservation, pages 1061 and 1062, volume 33, United States Statutes at Large, be, and the same are hereby, continued in full force and effect.

Mr. LONG. On behalf of the committee, I send to the desk an amendment.

The PRESIDING OFFICER. The amendment will be stated.

The SECRETARY. On page 13, line 10, after the word "to," to strike out the words "the members of;" so as to read:

Provided, That the royalties to be paid to the Osage tribe under any mineral lease so made shall be determined by the President of the United States.

The amendment was agreed to.

The next amendment was, in section 3, page 13, at the beginning of line 17, to strike out "United States Indian agent for the Osages" and insert:

Secretary of the Interior: *Provided further*, That nothing herein contained shall be construed as affecting any valid existing lease or contract.

So as to read:

And provided further, That no mining of or prospecting for any of said mineral or minerals shall be permitted on the homestead selec-

tions herein provided for without the written consent of the member of the Osage tribe entitled thereto and the approval of the Secretary of the Interior: *Provided further*, That nothing herein contained shall be construed as affecting any valid existing lease or contract.

Mr. LONG. On behalf of the committee, I move, after line 12, after the words "United States," to strike out the two additional provisos beginning on line 13, to the end of the paragraph.

The amendment was agreed to.

Mr. LONG. On behalf of the committee, on page 14, line 1, after the word "as," I move to strike out "hereinafter" and insert "herein;" so as to make the clause read:

SEC. 4. That all funds belonging to the Osage tribe, and all moneys due and all moneys that may become due or may hereafter be found to be due the said Osage tribe of Indians, shall be held in trust by the United States for the period of twenty-five years from and after the 1st day of January, 1907, except as herein provided.

The amendment was agreed to.

The next amendment was, on page 16, to strike out section 5, in the following words:

SEC. 5. That the Secretary of the Interior shall furnish to the Osage tribe of Indians, on or before January 1, 1907, copies of all treaties and a complete record of all transactions of every character between the United States and the said Osage tribe of Indians, and all acts of the United States, or its officials, relating to the Osage Indians or their affairs or interests.

The amendment was agreed to.

The next amendment was, in section (6) 5, page 17, line 1, after the word "interests," to insert "except as hereinbefore provided;" so as to make the section read:

SEC. 5. That at the expiration of the period of twenty-five years from and after the 1st day of January, 1907, the lands, mineral interests, and moneys herein provided for and held in trust by the United States shall be the absolute property of the individual members of the Osage tribe, according to the roll herein provided for, or their heirs, as herein provided, and deeds to said lands shall be issued to said members, or to their heirs, as herein provided, and said moneys shall be distributed to said members, or to their heirs, as herein provided, and said members shall have full control of said lands, moneys, and mineral interests, except as hereinbefore provided.

The amendment was agreed to.

The next amendment was, in section (7) 6, page 17, line 10, after the word "equally," to insert "or to the survivor in case of the death of either;" so as to make the section read:

SEC. 6. That the lands, moneys, and mineral interests herein provided for, of any deceased member of the Osage tribe shall descend to his or her legal heirs, according to the laws of the Territory of Oklahoma, or of the State in which said reservation may be hereinafter incorporated, except where the decedent leaves no issue, nor husband nor wife, in which case said lands, moneys, and mineral interests must go to the mother and father equally, or to the survivor in case of the death of either.

The amendment was agreed to.

The next amendment was, in section (8) 7, line 18, after the word "same," to insert "including the proceeds thereof;" and on page 18, line 1, after the word "the," to strike out "United States Indian agent for the Osages" and insert "Secretary of the Interior;" so as to make the section read:

SEC. 7. That the lands herein provided for are set aside for the sole use and benefit of the individual members of the tribe entitled thereto, or to their heirs, as herein provided; and said members, or their heirs, shall have the right to use and to lease said lands for farming, grazing, or any other purpose not otherwise specifically provided for herein, and said members shall have full control of the same, including the proceeds thereof: *Provided*, That parents of minor members of the tribe shall have the control and use of said minors' lands, together with the proceeds of the same, until said minors arrive at their majority: *And provided further*, That all leases given on said lands for the benefit of the individual members of the tribe entitled thereto, or for their heirs, shall be subject only to the approval of the Secretary of the Interior.

The amendment was agreed to.

The next amendment was, to strike out section 10, in the following words:

SEC. 10. That the Osage Indian Reservation is hereby made a county, to be known as Osage County, of the Territory of Oklahoma, and that Pawhuska shall be the county seat of said county; and the manner and time of holding the first election of officers for said Osage County shall be provided by the governor of Oklahoma Territory within sixty days after the approval of this act; and the officers elected at said first election shall hold their respective offices like officers in other counties in said Territory and until their successors are provided for at the next general election in said Territory, according to the laws governing elections in other counties in said Territory: *Provided*, That all male persons residing in said Osage County and who have resided therein for at least six months and who are citizens of the United States or members of the Osage tribe of Indians, and who are not otherwise disqualified under the laws of Oklahoma Territory, are qualified electors and shall be competent persons to serve upon all juries in said county, and all juries in and for said county shall be drawn by open venire under the direction of the judge of the district court of said Osage County.

The amendment was agreed to.

The next amendment was, in section (11) 9, page 19, line 9, after the word "and," to strike out "six" and insert "eight;" and in line 17, after the word "council," to insert "and the Secretary of the Interior is hereby authorized to remove from the council any member or members thereof for good cause, to be by him determined;" so as to make the section read:

SEC. 9. That there shall be a biennial election of officers for the Osage tribe as follows: A principal chief, an assistant principal chief, and eight members of the Osage tribal council, said officers to be elected at a general election to be held in the town of Pawhuska, Okla., on the first Monday in June; and the first election for said officers shall be held on the first Monday in June, 1908, in the manner to be prescribed by the Commissioner of Indian Affairs, and said officers shall be elected for a period of two years, commencing on the 1st day of July following said election, and in case of a vacancy in the office of principal chief, by death, resignation, or otherwise, the assistant principal chief shall succeed to said office, and all vacancies in the Osage tribal council shall be filled in a manner to be prescribed by the Osage tribal council, and the Secretary of the Interior is hereby authorized to remove from the council any member or members thereof for good cause, to be by him determined.

The amendment was agreed to.

The next amendment was, on page 20, after line 14, to strike out section 15, in the following words:

SEC. 15. That this act shall be of full force and effect if ratified before the 1st day of December, 1906, by a majority of the adult male members of said tribe at the next general election of said tribe, or at an election held for the purpose of voting upon the acceptance or rejection of said act; and the Secretary of the Interior is hereby authorized and directed to make public proclamation that said act shall be voted on at the next general election of said tribe, or at a special election called by said Secretary, under such rules and regulations as he may prescribe. At the said election all male members of said tribe over the age of 21 years qualified to vote under the tribal laws shall have the right to vote at the election precinct most convenient to their residence: *Provided*, That the votes cast at such election shall be forthwith certified to the Secretary of the Interior by the chief and the business committee of said tribe.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed, and the bill to be read a third time.

The bill was read the third time, and passed.

TELEPHONE SYSTEM ON ISLAND OF OAHU.

Mr. FORAKER. Mr. President, I ask for the consideration of the bill (S. 4184) to ratify, approve, and confirm an act duly enacted by the legislature of the Territory of Hawaii to authorize and provide for the construction, maintenance, and operation of a telephone system on the island of Oahu, Territory of Hawaii.

The Secretary read the bill; and there being no objection, the Senate, as in Committee of the Whole, proceeded to its consideration.

The bill was reported from the Committee on Pacific Islands and Porto Rico with amendments.

The first amendment was, on page 2, line 9, after the word "hereby," to insert "amended, and, as amended, is hereby;" so as to read:

That the act of the legislature of the Territory of Hawaii entitled "An act to authorize and provide for the construction, maintenance, and operation of a telephone system on the island of Oahu, Territory of Hawaii, by the Standard Telephone Company (Limited)," approved by the governor of the Territory April 26, 1905, be, and is hereby, amended, and, as amended, is hereby ratified, approved, and confirmed, as follows, to wit:

The amendment was agreed to.

The next amendment was, on page 3, line 6, after the word "limits," to strike out "by aerial, underground, or overhead wires, or;" in line 7, after the word "such," to strike out "other;" and in line 9, after the words "public works," to insert ", or any other official or board having control of the streets and roads where said wires are located, which said officials or boards may, after 1912, at any time that the public interests require it, direct any changes in the method of placing or using said wires that have been or may thereafter be put up or laid that they shall determine to be proper and necessary;" so as to read:

SEC. 2. The said telephone system shall be operated by underground wires within a radius of one-half mile, starting from the north corner of Fort and King streets, and beyond said limits by such means or methods as may be adopted by said company from time to time, with the approval of the superintendent of public works, or any other official or board having control of the streets and roads where said wires are located, etc.

The amendment was agreed to.

The next amendment was, on page 3, line 24, after the word "acquired," to insert: "All franchises thus acquired shall be subject to all the conditions and limitations of this act;" so as to read:

SEC. 3. If the Standard Telephone Company (Limited) shall at any time acquire, by lease or otherwise, the rights, franchises, and property of any person or corporation operating a telephone system on the island of Oahu, all of the rights, privileges, powers, and authority by this act conferred with reference to the occupation of streets, lands, and waters, maintenance and operation of telephone companies, and also all other powers so conferred, are hereby authorized in the maintenance and use of the property so acquired. All franchises thus acquired shall be subject to all the conditions and limitations of this act.

The amendment was agreed to.

The next amendment was, on page 4, line 14, after the words

"public works," to insert "or other officials or boards having charge of said streets or roads;" so as to read:

SEC. 5. The said Standard Telephone Company, before laying its conduits or otherwise disturbing any of the streets or roads of the island of Oahu, shall ascertain the lawful grade of such streets or roads from the superintendent of public works or other officials or boards having charge of said streets or roads, who shall furnish the required information within a reasonable time.

The amendment was agreed to.

The next amendment was, on page 4, line 21, after the word "other," to strike out "officer duly appointed by him" and insert "officials or boards having charge of said streets or roads;" in line 24, after the word "the" where it occurs the third time, to strike out "superintendent of public works" and insert "said authorities;" on page 5, line 6, after the word "works," to insert "or other officials or boards having charge of said streets or roads;" in line 8, after the word "the" where it occurs the second time, to strike out "superintendent of public works" and insert "said officials;" in line 10, after the word "Territory," to strike out the parenthesis mark and the word "or;" in the same line, after the word "county," to strike out the parenthesis mark; in the same line, after the word "county," to insert "or municipality;" in line 13, after the words "public works," to insert "or other officials or boards having charge of said streets or roads;" in line 17, after the word "Territory," to insert "county or municipality which maintains said streets or roads;" and in line 19, after the word "recovered," to strike out "by the said Territory;" so as to read:

The conduits or other equipment of the said company which affect the surface of the public streets or roads shall conform to the grades of said streets or roads on which they are laid down, as furnished by the superintendent of public works or other officials or boards having charge of said streets or roads, and the said Standard Telephone Company shall not in any way change or alter the same without the written consent of the said authorities. And the Territory of Hawaii reserves further the right to change and alter the line and grades of its streets at any time, and the said Standard Telephone Company shall, at their own cost, within sixty days conform to such new lines and grades in reconstructing its surface equipment or conduits upon receiving notice in writng from the superintendent of public works or other officials or boards having charge of said streets or roads, and such changes shall be made subject to the approval of the said officials. And in all cases of street improvements by the Territory, county, or municipality, the said Standard Telephone Company shall conform to all such improvements as directed by the superintendent of public works or other officials or boards having charge of said streets or roads. In case of neglect by said Standard Telephone Company to make such repairs, changes, or improvements required of it by this section, they shall be made by the Territory, county, or municipality which maintains said streets or roads, and the cost of such repairs, changes, and improvements shall be recovered from the said Standard Telephone Company.

The amendment was agreed to.

The next amendment was, on page 8, line 7, after the word "Congress," to insert "All franchises and property thus acquired shall be subject to all the conditions and limitations of this act;" so as to read:

SEC. 12. The said Standard Telephone Company (Limited) shall have the right to take over, either by purchase or lease, any or all of the property, real or personal, rights, privileges, and franchises, of any other telephone company, and shall have, when so acquired, and may exercise all the rights, powers, privileges, and franchises of such company, whether the same be derived by charter, by municipal authority, by act of the legislature of the Territory of Hawaii, or by the United States Congress. All franchises and property thus acquired shall be subject to all the conditions and limitations of this act.

The amendment was agreed to.

The next amendment was, on page 9, line 6, after the word "Territory," to insert "of;" and in line 7, after the word "gross," to strike out "proceeds" and insert "receipts;" so as to read:

SEC. 14. The said Standard Telephone Company (Limited) shall pay to the government of the Territory of Hawaii a tax of 2½ per cent of its gross receipts from and after the expiration of two years from the date of the approval of this act by the Congress of the United States. Such payments shall be made quarterly.

The amendment was agreed to.

The next amendment was, on page 9, line 13, before the word "twelve," to strike out "section" and insert "sections 3 and;" so as to read:

SEC. 15. In case of purchase, lease, or acquirement of the property of any other telephone company, as provided in sections 3 and 12 of this act, by the Standard Telephone Company, then and in that case the tax provided for under section 14 of this act shall be paid to the Territory from the date of such purchase, lease, or acquirement.

The amendment was agreed to.

The next amendment was, on page 11, line 7, after the word "the," where it occurs the second time, to strike out "superintendent of public works" and insert "treasurer of the Territory of Hawaii;" so as to read:

SEC. 19. The entire plant, operation, books, and accounts of said Standard Telephone Company shall at any time be open and subject to the inspection of the treasurer of the Territory of Hawaii or any person appointed by him for the purpose.

The amendment was agreed to.

The next amendment was, on page 11, line 15, after the word "works," to insert "or other proper authority;" in line 16, after the word "therewith," to strike out "said superintendent of public works shall, with the consent of;" and in line 18, after the word "attorney-general," to insert "shall;" so as to read:

SEC. 20. *Forfeiture of franchise.*—Whenever said company refuses or fails to do or perform or comply with any act, matter, or thing requisite or required to be done under the terms of this act, and shall continue so to refuse or fail to do or perform or comply therewith after reasonable notice given by the superintendent of public works or other proper authority to comply therewith, the governor and attorney-general shall cause proceedings to be instituted before the proper tribunal to have the franchise granted by this act, and all rights and privileges granted hereunder, forfeited and declared null and void.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The preamble was agreed to.

PRACTICE OF VETERINARY MEDICINE.

Mr. GALLINGER. I ask for the present consideration of the bill (S. 5698) to regulate the practice of veterinary medicine in the District of Columbia.

The Secretary read the bill; and there being no objection, the Senate, as in Committee of the Whole, proceeded to its consideration.

The bill was reported from the Committee on the District of Columbia with amendments.

The first amendment of the Committee on the District of Columbia was, on page 1, line 4, after the word "medicine," to insert "to be appointed by the Commissioners of the District of Columbia;" in line 6, after the word "have," to strike out "a diploma" and insert "graduated;" in line 7, after the word "confer," to strike out "the same, to be appointed by the Commissioners of said District" and insert "degrees;" in line 9, after the word "each," to insert "of whom shall have been;" in the same line, after the word "of," to strike out "the" and insert "said;" in line 10, after the word "District," to strike out "of Columbia;" in line 11, after the word "period," to insert "shall have been;" in line 12, after the word "profession," to strike out "therein" and insert "in said District;" on page 2, line 3, after the word "thereafter," to strike out "each appointment" and insert "appointments;" in line 5, after the word "are," to strike out "necessitated" and insert "occasioned;" in line 8, before the word "judgment," to strike out "exclusive;" and in line 10, before the word "notice," to insert "due;" so as to make the section read:

That there be, and is hereby, created a board of examiners in veterinary medicine, to be appointed by the Commissioners of the District of Columbia, which shall consist of five reputable practitioners of veterinary medicine, who shall have graduated from some college authorized by law to confer degrees, each of whom shall have been a bona fide resident of said District for three years last past before appointment, and each, during said period, shall have been actively engaged in the practice of his profession in said District. The appointments first made shall be one for one year, one for two years, one for three years, one for four years, and one for five years, and thereafter appointments shall be for a period of five years, except such as are occasioned by death, resignation, or removal, in which cases the appointments shall be for the remainders of the unexpired terms: *Provided*, That the said Commissioners may, in their judgment, remove any member of said board for neglect of duty or other sufficient cause, after due notice and hearing.

The amendment was agreed to.

The next amendment was, in section 2, page 2, line 13, after the word "necessary," to strike out "*Provided, however*, That the health officer of the District of Columbia for the time being shall be an ex officio secretary of said board, and;" in line 16, before the word "shall," to insert "The secretary of said board;" in line 20, before the word "shall," to strike out "to aforesaid secretary;" in line 24, before the word "shall," to strike out "said board;" on page 3, line 3, after the word "licenses," to strike out "to practice veterinary medicine in the District of Columbia;" in line 4, after the word "which," to insert "register;" in line 5, after the word "each," to strike out "candidate" and insert "applicant;" in line 6, before the word "spent," to strike out "he or she;" in line 9, after the word "lectures," to strike out "of medicine;" and in line 16, after the word "board," to strike out "hereby created;" so as to make the section read:

SEC. 2. That the said board of examiners in veterinary medicine shall elect a president, vice-president, secretary, and such other officers as shall be necessary. The secretary of said board shall have power to administer oaths or affirmations upon such matters as pertain to the business of said board, and any person willfully making any false oath or affirmation shall be deemed guilty of perjury; and said board shall make, alter, or amend, subject to the approval of the Commissioners of the District of Columbia, such rules and regulations as may be necessary to carry into effect the provisions of this act, and shall hold such meetings as shall be necessary for the transaction of

business, and shall issue all licenses to practice veterinary medicine in the District of Columbia. Said board shall keep an official record of its meetings, and also an official register of all applicants for licenses, which register shall show the name, age, place, and duration of residence of each applicant, the time spent in the study of veterinary medicine, in and out of medical schools, and the names and locations of all medical schools which have granted said applicant any degree or certificate of attendance upon lectures, and it shall also show whether said applicant was rejected or licensed under this act, and said register shall be prima facie evidence of all matters contained therein. The Commissioners of the District of Columbia shall have power to require any or all officers of said board to give bond to the District of Columbia in such form and penalty as they may deem proper. The said board shall in the month of July in each year submit to said Commissioners a full report of its transactions during the twelve months immediately preceding.

The amendment was agreed to.

The next amendment was, in section 3, page 3, line 22, before the word "desire," to insert "shall;" on page 4, line 2, after the word "shall," where it occurs the second time, to strike out "comply therewith and;" in line 4, before the word "diploma," to strike out "veterinary;" in line 5, before the word "college," to insert "veterinary;" in line 7, before the word "sessions," to strike out "and requiring two or three" and insert "which college shall require at least two;" in line 9, after the word "such," to strike out "diplomas" and insert "diploma;" and in line 11, after the word "evidence," to strike out "of practice of" and insert "that they have practiced;" so as to read:

SEC. 3. That from and after the passage of this act all persons desiring to practice veterinary medicine or any branch thereof in the District of Columbia, or who shall desire to hold themselves out to the public as practicing veterinary medicine or any branch thereof in the District of Columbia, shall make application to said board of examiners in veterinary medicine for a license so to do. Application for this purpose shall be upon a form furnished by said board, and shall be accompanied by satisfactory evidence of good moral character, and by a diploma from some veterinary college authorized by law to confer the same, which college shall require at least two sessions of study of veterinary medicine of not less than six months each prior to the issue of such diploma, and graduates of two-year colleges shall accompany their diplomas by satisfactory evidence that they have practiced veterinary medicine for five years last past subsequent to the issue of such diplomas, and by a fee of $10, except as herein otherwise directed, and from the fund thus created, the board shall pay such necessary expenses as it may incur.

The amendment was agreed to.

The next amendment was, on page 5, line 5, before the word "April," to insert "January;" in the same line, after the word "July," to insert "and;" in the same line, after the word "October," to strike out "and January;" in line 8, before the word "may," to insert "examinations;" and in line 9, after the word "said," to strike out "Commissioners," and insert "board shall;" so as to read:

Such expenses shall not exceed in any one fiscal year the amount of fees collected during that period, but if any balance remain after paying all such expenses the Commissioners of said District shall authorize the payment therefrom to the members of said board for their services of such amounts as said Commissioners deem proper. Said board shall, by means of examinations, ascertain the professional qualifications of all applicants for license to practice veterinary medicine in said District, and shall issue such licenses to all who are found by such examinations to be, in the judgment of said board, competent to so practice; and no such license shall be issued to any person who has not so demonstrated his competence, except as hereinafter otherwise provided. Such examinations shall be held in January, April, July, and October of each year, and shall include all such subjects as are ordinarily included in the curricula of veterinary colleges in good standing, but examinations may be held at such other times and include such other subjects as said board shall authorize and direct. Said board shall number consecutively all applications received, note upon each the disposition made of it, and preserve the same for reference, and shall number consecutively all licenses issued.

The amendment was agreed to.

The next amendment was, in section 5, page 6, line 7, before the word "and," to strike out "maintains" and insert "who has maintained;" in line 9, after the word "before," to strike out "the date of;" in line 21, after the word "medicine," to strike out "to said board of veterinary examiners;" in the same line, after the word "as," to strike out "and existing" and insert "a;" and in line 23, after the word "practitioner," to insert "of veterinary medicine;" so as to make the section read:

SEC. 5. That any person who has received a diploma from a veterinary college lawfully authorized to confer the same and who has maintained an office for the practice of veterinary medicine in the District of Columbia on or before the passage of this act, upon submission of proof of such facts to the board of examiners in veterinary medicine and the payment of a fee of $1, shall be licensed by said board to practice veterinary medicine in the District of Columbia without examination. Any person, not a graduate of a college lawfully authorized to confer a degree in veterinary medicine, who has been continuously engaged in the practice of veterinary medicine in the District of Columbia for five years previous to the passage of this act and has maintained an office in said District for that purpose shall be permitted to present himself for examination before the board of veterinary examiners without fee, and upon proof of satisfactory knowledge of veterinary medicine shall be registered and licensed as a practitioner of veterinary medicine.

The amendment was agreed to.

The next amendment was, in section 6, page 7, line 1, after the word "examination," to insert "may;" in line 2, before the word "appeal," to strike out "may;" in line 5, before the word "forth," to strike out "set" and insert "setting;" in the same line, before the word "accompanied," to strike out "be;" in line 8, before the word "board," to strike out "an appeal" and insert "a;" in line 11, before the word "shall," to insert "board;" in line 13, before the word "findings," to strike out "review or;" in line 17, after the word "said," to strike out "appeal;" in line 18, after the word "board," to insert "of review;" and in line 21, after the word "examiners," to insert "If favorable, the amount deposited shall be returned to the appellant;" so as to make the section read:

SEC. 6. That any person having been examined by said board of examiners in veterinary medicine and having been refused a license as the result of such examination may, within thirty days after formal notification of such refusal appeal from the decision of said board. Such appeal must be in writing, addressed to the Commissioners of said District, setting forth the ground upon which it is based, and accompanied by a deposit of $30. If, after examination of said appeal, said Commissioners deem it proper, they shall appoint a board of review, consisting of three practioners of veterinary medicine having qualifications similar to those required of members of the regular board of examiners in veterinary medicine, which board shall review the examination of appellant, and if they deem necessary reexamine him and report their finding to said Commissioners; and such finding shall be final and binding upon all parties concerned, and if favorable to the appellant the board of examiners in veterinary medicine shall issue to him a license to practice veterinary medicine in said District. Each member of said board of review shall be paid a fee of not more than $10 for each candidate examined, payment to be made from the deposit of the appellant if the finding is adverse to him, but otherwise from the funds of the board of examiners. If favorable the amount deposited shall be returned to the appellant.

The amendment was agreed to.

The next amendment was, in section 7, page 8, line 3, after the word "practice," to strike out "veterinary medicine;" so as to make the section read:

SEC. 7. That every person practicing veterinary medicine in the District of Columbia, or representing himself or permitting himself to be represented as so practicing, shall display or cause to be displayed conspicuously in his usual place of business his license to practice in said District. Said place of business shall, during all reasonable hours, be open to inspection by any representative of the police department or of the board of examiners in veterinary medicine of said District, so far as may be necessary to examine such licenses, and it shall be unlawful for any person to interfere with any inspection made or intended to be made for this purpose.

The amendment was agreed to.

The next amendment was, in section 9, page 9, line 8, before the word "within," to strike oue "meet patients or receive calls" and insert "do business," so as to make the section read:

SEC. 9. That this act shall not apply to veterinary surgeons in the Army or in the employ of the Agricultural Department who are graduates of regular veterinary colleges, nor to regularly licensed veterinarians in actual consultation from other States, nor to regularly licensed veterinarians actually called from other States to attend cases in the District of Columbia, but who do not open an office or appoint a place to do business within said District.

The amendment was agreed to.

The next amendment was, in section 10, page 9, line 16, after the word "license," to strike out "provided for in this act;" in line 17, before the word "conviction," to strike out "on;" in line 20, after the word "for," to insert "any of;" and in line 22, after the word "provided," to strike out "in this act," so as to read:

That the board of examiners in veterinary medicine hereby created may, by a vote of four members, revoke or suspend for a time certain the license of any person to practice veterinary medicine or any branch thereof in the District of Columbia after notice and hearing, for any of the following causes, namely: The employment of fraud or deception in passing the examinations or in obtaining a license, chronic inebriety, or conviction of crime involving moral turpitude. The method of complaint, form and length of notice, and time of hearing charges against any licensee for any of the above causes shall be according to the rules and regulations to be made, subject to the approval of said Commissioners, as hereinbefore provided. Appeal from the decision of said board may be taken to the court of appeals of the District of Columbia, and the decision of said court shall be final.

The amendment was agreed to.

The next amendment was, in section 12, page 10, line 17, before the word "one," to strike out "some;" so as to make the section read:

SEC. 12. That it shall be the duty of the corporation counsel or one of his assistants to prosecute all violations of the provisions of this act.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

DAVID ROBERTSON.

Mr. BULKELEY. I ask unanimous consent for the present consideration of the bill (S. 4089) to place David Robertson, sergeant, first class, Hospital Corps, on the retired list of the United States Army.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on Military Affairs with an amendment, to strike out all after the enacting clause and insert:

That in consequence of the long, faithful, and meritorious services in the United States Army of David Robertson, sergeant, first class, Hospital Corps, for a period of over fifty years in the same grade, the President be, and he is hereby, authorized to nominate and, by and with the advice and consent of the Senate, to place said David Robertson on the retired list of the United States Army with the full pay and allowances of the grade held by him at the date of such retirement.

Mr. BULKELEY. Mr. President, in lieu of that amendment, I offer the amendment which I send to the desk.

The PRESIDING OFFICER. The amendment proposed by the Senator from Connecticut will be stated.

The SECRETARY. It is proposed, in lieu of the amendment of the committee, to insert the following:

That in consequence of the long, faithful, and meritorious services in the United States Army of David Robertson, sergeant, first class, Hospital Corps, for a period of fifty years in the same grade, the Secretary of War be, and he is hereby, authorized to place said David Robertson on the retired list of enlisted men of the Army with full pay of his grade and commutation of allowances at the following rates per month: Clothing, $4.56; rations, $30, and fuel and quarters, $20.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

SITE FOR PUBLIC BUILDING AT GREAT FALLS, MONT.

Mr. CLARK of Montana. I ask unanimous consent for the present consideration of the bill (S. 544) to provide for the erection of a public building in the city of Great Falls, Mont.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on Public Buildings and Grounds with amendments.

The first amendment was, on page 1, line 4, after the word "exceeding," to strike out "twenty," and insert "fifteen;" in line 6, after the word "site," to strike out "and cause to be erected thereon a suitable building, including fireproof vaults, heating and ventilating apparatus;" and in line 10, after the word "Montana," to strike out "the cost of said site and building, including said vaults, heating and ventilating apparatus, elevators, and approaches, complete, not to exceed the sum of $300,000;" so as to read:

That the Secretary of the Treasury be, and he is hereby, authorized and directed to acquire, at a cost not exceeding $15,000, by purchase, condemnation, or otherwise, a site for the use and accommodation of the United States post-office and other Government offices in the city of Great Falls and State of Montana.

The amendment was agreed to.

The next amendment was, on page 2, after line 17, to strike out the remainder of the bill, as follows:

If, upon consideration of said report and accompanying papers, the Secretary of the Treasury shall deem further investigation necessary, he may appoint a commission of not more than three persons, one of whom shall be an officer of the Treasury Department, which commission shall also examine the said proposed sites, and such others as the Secretary of the Treasury may designate, and grant such hearings in relation thereto as they shall deem necessary; and said commission shall, within thirty days after said examination, make to the Secretary of the Treasury written report of their conclusion in the premises, accompanied by all maps, statements, plats, or documents taken by or submitted to them in like manner as hereinbefore provided in regard to the proceedings of said agent of the Treasury Department; and the Secretary of the Treasury shall thereupon finally determine the location of the building to be erected.

The compensation of said commissioners shall be fixed by the Secretary of the Treasury, but the same shall not exceed $6 per day and actual traveling expenses: *Provided, however*, That the member of said commission appointed from the Treasury Department shall be paid only his actual traveling expenses.

The building shall be unexposed to danger from fire by an open space of at least 40 feet on each side, including streets and alleys.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossd for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill to provide for the purchase of a site for a public building in the city of Great Falls, Mont."

JOHN A. MERONEY.

Mr. FRAZIER. I ask unanimous consent for the present consideration of the bill (H. R. 3997) for the relief of John A. Meroney.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It directs the Secretary of the Treasury to pay to John A. Meroney, of Giles County, Tenn., late a member of Company D, Twelfth Regiment Tennessee Volunteer Cavalry, $150 for a horse taken by or furnished to the military forces of the United States for their use during the late war for the suppression of the rebellion.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

Mr. SPOONER. I move that the Senate adjourn.

The motion was agreed to; and (at 6 o'clock and 20 minutes p. m.) the Senate adjourned until to-morrow, Friday, June 15, 1906, at 12 o'clock meridian.

HOUSE OF REPRESENTATIVES.

THURSDAY, *June 14, 1906.*

The House met at 11 o'clock a. m.

The Chaplain, Rev. HENRY N. COUDEN, D. D., delivered the following prayer:

We bless Thee, O God, our heavenly Father, for the spirit of '76 which moved our fathers to high and holy resolves, illustrious deeds, and glorious achievements, which gave to us a government of the people, by the people, and for the people, and for the old flag which they carried to victory on a thousand fields of battle, dear to every American heart, emblem of liberty and freedom, law and order, peace and good will. God grant that it may wave on in triumph until every people of every clime shall feel its influence and rest secure in their sacred rights under its graceful and protecting folds, and Thine be the praise through Jesus Christ our Lord. Amen.

The Journal of yesterday's proceedings was read and approved.

DAILY HOUR OF MEETING.

Mr. PAYNE. Mr. Speaker, I offer a resolution which I send to the Clerk's desk, and ask unanimous consent for its immediate consideration.

The SPEAKER. The gentleman from New York offers a resolution and asks unanimous consent for its present consideration. The Clerk will report the resolution.

The Clerk read as follows:

Resolved, That for the remainder of this session, unless otherwise ordered, the daily hour of meeting of the House of Representatives shall be 11 o'clock a. m.

The SPEAKER. The question is on agreeing to the resolution.

The question was taken; and the resolution was agreed to.

H. G. CLEMENT.

Mr. CASSEL. Mr. Speaker, I offer the privileged resolution (No. 564), from the Committee on Accounts, which I send to the Clerk's desk.

The SPEAKER. The Clerk will read:

The Clerk read as follows:

Resolved, That the Clerk of the House is hereby authorized and directed to pay, out of the contingent fund of the House, to H. G. Clement the sum of $100, being the amount of clerk-hire allowance due the late Representative Robert Adams, jr., and on account of clerical services rendered by said Clement during the month of May, 1906.

The SPEAKER. The question is on agreeing to the resolution.

The question was taken; and the resolution was agreed to.

ROBERT RICHARDSON.

Mr. CASSEL. Mr. Speaker, I also offer a privileged resolution (No. 569), which I send to the Clerk's desk.

The SPEAKER. The gentleman from Pennsylvania offers a privileged resolution, which the Clerk will report.

The Clerk read as follows:

Resolved, That the Clerk of the House is hereby authorized to pay to the widow of Robert Richardson, late an employee in the bathroom of the House of Representatives, a sum equal to six month's pay, at the rate of compensation he was receiving at the time of his death; and a further sum, not exceeding $250, for funeral expenses, said amount to be paid out of the contingent fund.

The SPEAKER. The question is on agreeing to the resolution.

The question was taken; and the resolution was agreed to.

CLERK FOR COMMITTEE ON IRRIGATION.

Mr. CASSEL. Mr. Speaker, I desire to offer a privileged resolution (No. 435), which I send to the Clerk's desk.

The SPEAKER. The gentleman from Pennsylvania offers a privileged resolution, which the Clerk will report.

The Clerk read as follows:

Resolved, That the chairman of the Committee on Irrigation of Arid Lands is hereby authorized to appoint a clerk to said committee, who shall be paid out of the contingent fund of the House at the rate of $2,000 per annum from and after July 1, 1906, unless otherwise provided for by law; and the Committee on Appropriations is hereby

authorized and directed to provide for the salary of said clerk in one of the general appropriation bills: *Provided*, That the same shall be in lieu of the session clerk assigned to said committee.

The SPEAKER. The gentleman from Pennsylvania asks unanimous consent for the present consideration of the resolution.

Mr. PAYNE. I think it had better go over for the day. I will object for to-day.

The SPEAKER. For the present the gentleman from New York [Mr. PAYNE] objects.

Mr. BARTLETT. Mr. Speaker, I desire, if the Chair will hear me a moment, to say a word in reference to the privileged character of this resolution. The resolution, or a part of it, provides for the payment out of the contingent fund for a certain fixed period, and that makes it privileged, Mr. Speaker. Reports from the Committee on Accounts, which provide for payment of sums out of the contingent fund under the rules of the House, are privileged reports, and resolutions can be called up as privileged which thus provide. The present resolution provides that it shall be paid out of the contingent fund of the House "at the rate of $2,000 per annum from and after July 1, 1906, unless otherwise provided for by law."

It has been the uniform custom in the House, when resolutions of this kind have been reported from the Committee on Accounts and passed by the House, for the Committee on Appropriations to provide for them in one of the appropriation bills. Mr. Speaker, from a number of rulings of the Chair, resolutions of this sort from the Committee on Accounts, passed by the House, have been held time and time again to be existing law, which would authorize the Committee on Appropriations to make provision for them in an appropriation bill and not violate Rule XXI.

Mr. PAYNE. If the gentleman is correct in his statement, that it has been so held and is existing law, of course that takes away the privilege of the resolution, for it provides that hereafter the Committee on Appropriations is directed to make this appropriation. The resolution makes law. If it does, of course it takes away the privilege of the resolution.

Mr. BARTLETT. Not at all, Mr. Speaker; a resolution which provides simply for this clerk to be paid out of the contingent fund is existing law. If I had the House Manual at hand, I think I might readily call the attention of the Chair to certain decisions. If the appropriation was only made for the sessions of Congress, under the rules of the House we could provide that the sum be paid out of the contingent fund until otherwise provided for; and then it would be existing law, and I apprehend that the Committee on Appropriations could make provision if that latter clause was not in the resolution. I think it is privileged, Mr. Speaker; but if it is not, then I suggest to the gentleman from Pennsylvania that he strike from the resolution that part which it is suggested renders the resolution not privileged.

The SPEAKER. The Chair is of the opinion that a nonprivileged provision in a privileged resolution vitiates the whole resolution. The Chair calls the attention of the gentleman from Georgia to the language of this resolution:

Is hereby authorized to appoint a clerk to said committee, who shall be paid out of the contingent fund of the House at the rate of $2,000 per annum from and after July 1, unles otherwise provided by law; and the Committee on Appropriations is hereby authorized and directed to provide for the salary of said clerk in one of the general appropriation bills: *Provided*, That the same shall be in lieu of the session clerk assigned to said committee.

Now, it seems that there is a session clerk assigned to said committee under the law and under the rules, but that assignment is silent.

Mr. BARTLETT. He has already been provided for by the Appropriations Committee.

The SPEAKER. Precisely; but this substitutes an annual clerk for a session clerk. Two things are accomplished. Now, the Chair will be inclined to hold that the grant of $2,000 to this session clerk for the coming fiscal year, or pay at that rate for the remainder of the Congress from the contingent fund would be in order under the rules, because expenditures from the contingent fund are privileged. But it goes further, and provides what the Committee on Appropriations is authorized to do; and it does seem to the Chair that that vitiates the privileged character of the resolution.

Mr. BARTLETT. Mr. Speaker, I want to say that I invoked the ruling of the Chair in order that we might have it for the guidance of the committee in the future as we have a number of resolutions that contain this provision.

The SPEAKER. The Chair is quite aware that under the practice of the House resolutions of this character have been reported and passed, but that is where the point has not been made, and the Chair can not rule without the point of order is made.

Mr. BARTLETT. I understand that; but I wanted the ruling for the guidance of the committee.

Mr. CASSEL. Mr. Speaker Carlisle did rule on a question of this same kind, and I might refer the Chair to that ruling.

The SPEAKER. The Chair is not advised of that ruling; on the contrary there may possibly be one. The Chair would have very great respect for a ruling made by Mr. Speaker Carlisle on what would be construed as a precedent, but the Chair does not say that it would necessarily control the matter. Has the gentleman any further resolutions?

Mr. CASSEL. They are all of the same character of the one that we have already called up.

ORDER OF BUSINESS.

Mr. TAWNEY. Mr. Speaker, I move that the House resolve itself into Committee of the Whole House on the state of the Union for the further consideration of the sundry civil appropriation bill.

Mr. MOON of Tennessee. Will the gentleman withhold his motion just a moment?

Mr. TAWNEY. I withhold the motion.

BRIDGE ACROSS TENNESSEE RIVER AT CHATTANOOGA, TENN.

Mr. MOON of Tennessee. Mr. Speaker, I ask unanimous consent for the present consideration of the bridge bill—H. R. 20070.

The Clerk read as follows:

A bill (H. R. 20070) to authorize the Chattanooga Northern Railway Company to construct a bridge across the Tennessee River at Chattanooga, Tenn.

Be it enacted, etc., That the Chattanooga Northern Railway Company, a corporation organized under the laws of the State of Tennessee, its successors and assigns, be, and they are hereby, authorized to construct, maintain, and operate a bridge and approaches thereto for railway and other purposes across the Tennessee River at Chattanooga, in the State of Tennessee, in accordance with the provisions of the act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906.

SEC. 2. That the right to alter, amend, or repeal this act is hereby expressly reserved.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

The bill was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

On motion of Mr. MOON of Tennessee, a motion to reconsider the vote by which the bill was passed was laid on the table.

BRIDGE ACROSS GASCONADE RIVER, FREDERICKSBURG, MO.

Mr. CLARK of Missouri. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 19571) to authorize the county court of Gasconade County, Mo., to construct a bridge across the Gasconade River at or near Fredericksburg, Mo.

The bill was read, as follows:

Be it enacted, etc., That the county court of Gasconade County, Mo., its successors and assigns, be, and they are hereby, authorized to construct, maintain, and operate a bridge and approaches thereto across the Gasconade River at or near Fredericksburg, in the county of Gasconade, in the State of Missouri, in accordance with the provisions of the act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906.

SEC. 2. That the right to alter, amend, or repeal this act is hereby expressly reserved.

The SPEAKER. Is there objection?

There was no objection.

The bill was ordered to be engrossed and read a third time; and it was accordingly read the third time, and passed.

STATEHOOD BILL.

Mr. HAMILTON. Mr. Speaker, I call up the conference report on the bill (H. R. 12707) to enable the people of Oklahoma and Indian Territory to form a constitution and State government and be admitted into the Union on an equal footing with the original States; and to enable the people of Arizona and New Mexico to form a constitution and State government and be admitted into the Union on an equal footing with the original States.

The SPEAKER. The gentleman from Michigan calls up a conference report on the following bill——

Mr. TAWNEY. Mr. Speaker, I desire to ask whether that report is liable to provoke a protracted debate?

The SPEAKER. The Chair does not know.

Mr. HAMILTON. I do not understand that it is likely to provoke a long debate. I have conferred with the gentleman from Tennessee [Mr. MOON] in relation to it, and I understand that there will be no protracted debate. I ask unanimous consent that the statement may be read in lieu of the report.

The SPEAKER. The Chair is informed at the Clerk's desk that there has been no message from the Senate on this subject, and that we have not the original papers.

Mr. HAMILTON. Then I will call up the report later.

SUNDRY CIVIL APPROPRIATION BILL.

Mr. TAWNEY. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the further consideration of the sundry civil bill.

The motion was agreed to.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 19844—the sundry civil appropriation bill—with Mr. WATSON in the chair.

The Clerk read as follows:

For gauging the streams and determining the water supply of the United States, and for the investigation of underground currents and artesian wells, and the preparation of reports upon the best methods of utilizing the water resources, $100,000.

Mr. CRUMPACKER. Mr. Chairman, I make the point of order against the paragraph just read, that it changes existing law, that there is no authority of law for the appropriation that is carried in the paragraph.

The CHAIRMAN. The gentleman from Indiana makes the point of order.

Mr. MONDELL. Mr. Chairman——

The CHAIRMAN. Does the gentleman desire to be heard on the point of order?

Mr. MONDELL. I should like to be heard briefly on the point of order.

The CHAIRMAN. The Chair will hear the gentleman.

Mr. MONDELL. Mr. Chairman, on yesterday a point of order was made against certain language in the first paragraph on page 75. Later the point of order was withdrawn as relating to a portion of the paragraph and retained as to the provision "for gauging streams and determining the water supply." In the discussion on the point of order made against the paragraph but little attention seems to have been paid to the portion of the paragraph against which the point of order was finally insisted upon. And in view of the fact that there was but little discussion directly on that point, I desire to discuss the subject very briefly. I hold, Mr. Chairman, that the work contemplated by the paragraph against which the point of order is made is provided for in existing law, and that it is provided for by three different and distinct provisions of existing law, namely, by that provision of law providing for the classification of public lands, and contained in lines 5 and 6, page 77 of the bill; second, that it is provided for in the language providing for the examination of the mineral resources of the United States, contained in lines 6 and 7, page 77, and that further this work is provided for by legislation enacted in 1888, specifically referring to this class of investigation.

Now, Mr. Chairman, as regards that feature of the work of stream gauging and study of underground waters which relates to the classification of the public lands. The public lands are classified into agricultural, mineral, grazing, and forest. In the arid and semiarid regions of the United States the agricultural character of the lands can only be determined by a study of the surface and underground water supply. It would be utterly impossible for the members of the Geological Survey to classify or designate agricultural lands in the arid and semiarid regions without a knowledge of the flow of streams and of the facts as to underground water resources. In strictly arid territory land must be irrigable to be properly classed as agricultural. Its irrigation depends upon the flow of streams, both their volume during the irrigation season and the uniformity of the flow year after year. Without a knowledge of the facts relating to the flow of streams it would be utterly impossibe for the Survey to classify and designate the agricultural lands of the arid region, as those charged with the duty of classifying the land would have no means of knowing whether the land was agricultural or not without a study of the water supply, which alone makes them agricultural.

In the arid region the available water supply marks the only difference between agricultural and nonagricultural lands in many instances. Their agricultural character is not a question of the richness of the soil, but of the water supply, and areas lying side by side, with the same soil structure, with the same chemical composition—one may be agricultural and the other nonagricultural or grazing, depending upon the water available for irrigation, and this must be determined by the gauging of the streams.

Now, as regards the nonmineral, semiarid lands, they are either agricultural, grazing, or irredeemable desert, depending on the existence or absence of underground waters at reasonable depth. They can not be advantageously used for grazing purposes even, in the absence of flowing streams, unless there be underground water sufficiently near the surface that it can be raised by pumps or windmills for stock. Neither can such lands be used for agriculture under irrigation where there are no flowing streams unless there be sufficient underground water available for such purposes. So that there can be no classification of lands as provided for by law, as the Survey is commanded to classify, without a study and investigation of the flow of streams and of the presence of underground waters.

Second, Mr. Chairman, this investigation, this stream gauging, this study of underground waters is provided for by the language of the statute which provides for the examination of the mineral resources of the United States.

Mr. Chairman, it is a well-known fact that water is a mineral; that in many districts it is by far the most valuable of all minerals; that in many regions it is the only mineral that exists in any considerable quantity or of any considerable value. If there be any question in the mind of the Chair as to the mineral character of water, I refer the Chair to the highest authorities in America on the subject of mineralogy, Profs. E. S. and James D. Dana.

Prof. E. S. Dana, in his Text-Book of Mineralogy, page 1, states:

Finally, mineral species are, as a rule, limited to solid substances; the only liquids included being metallic mercury and water.

Prof. James D. Dana, in his Manual of Mineralogy and Petrography, page 1, states:

Water is a mineral, but generally in an impure state from the presence of others minerals in solution.

The Century Dictionary defines a mineral as—

Any constituent of the earth crust; more specifically an inorganic body occurring in nature, homogeneous and having a definite chemical composition.

The Standard Dictionary, in its definition of mineral has this statement:

Water is a mineral that solidifies at 32° Fahrenheit.

Now, Mr. Chairman, authorities could be cited at great length on this question, but I assume that there can be no question the mind of the Chair as to the mineral character of water. I I have never heard that proposition seriously controverted or disputed.

When the Congress provided for the examination of geological structure and mineral resources and organized a bureau, which up to that time had been carrying on the work of geological survey, hydrographic, or water survey, the Congress understood that in providing for an examination of mineral resources it provided for the examination of that mineral, among others, which in many regions is by far the most important and valuable of all, to wit, water, and this Survey did for a number of years investigate the water resources of the United States without this specific provision for gauging of streams.

Moreover, many important mineral regions depend for their value upon the existence or development of water supply for the miners and their processes. As an illustration, one of the richest and most extensive placer regions in the United States, in western Arizona, known as the "Plomosa," has been only slightly developed on account of the lack of water, which is hauled a long distance for domestic purposes, and the gold is obtained by the use of dry washers. It is possible that underground waters can be developed or storm waters stored in the vicinity. Also, it may be possible to develop the water supply on Bill Williams Fork and supply water from the Colorado River to this region. On the solution of the water problem of this region depends the development of placers known to contain hundreds of millions of dollars in gold.

Knowledge of stream flow, to be reliable, must extend over a long series of years and must be continuous. The fluctuations of climate, particularly in the arid region, are such that there is a very great difference between the flow of the wettest year and the driest year, both of which must be known to permit a proper and economical development. The wettest year must be known in order that proper provision may be made against destructive floods, and the driest year must be known in order that the development may not proceed beyond a certain water supply.

It is important to have, not only the maximum, minimum, and mean discharge of every stream which is to be used, but it is equally important to know at what intervals minimum years are to be expected. If they occur at long intervals, it may be feasible to provide for them by reserve storage from wet years, but if they occur at short intervals, or several of them in succession, this may not be feasible.

Proper hydrographic investigation can be successfully carried on only by specialized men, and if the work is suddenly stopped, the force will become scattered, and the value of work already done will be largely lost, owing to the break in the record. It will require years to again build up an organization of equal efficiency, and the result will be that a large number of short

records will be in existence with a gap so wide as to render the former records of little value.

Mr. TAWNEY. Mr. Chairman, I want to ask the gentleman a question. Is the gentleman aware of the fact that this appropriation was never carried in any appropriation bill prior to 1894, and in that appropriation, which was only $12,500, the area within which it could be expended was limited to the arid and semiarid sections of the country? It has not, therefore, always been carried since we have had a Geological Survey in an appropriation bill, as stated by the gentleman. It was a special appropriation.

Mr. MONDELL. Mr. Chairman, I think I stated that when no specific appropriation was carried in the language of the present bill the work was carried on, and it was carried on under the authority granted for the classification of lands and the investigation of the mineral resources of the country, and the specific item was only placed in the bill, I call to the attention of the Chairman, when the Committee on Appropriations insisted on having this lump-sum appropriation divided and its various uses specified. In order that there might be no question as to the portion of the appropriation that was used for the examination of water resources this language was inserted in the bill for carrying on the work provided for by law.

It was upon the insistence of the committee that every separate class of work carried on under the appropriation should be specified, that the appropriation should be separated, so that the committee might know for what particular and specific purpose the appropriation was being used—what part of it was being used for the examination of minerals in general, what part of it was being used for the examination of this particular mineral, what part of it was being used for the classification of lands by surveys.

But, Mr. Chairman, beyond all that, this work is provided for by special statute, so far at least as the arid and semiarid regions of the country are concerned; and I call the attention of the Chairman particularly to the joint resolution of March 20, 1888. That is law; that it is law no one will deny; that it has never been repealed is not questioned, and whatever is provided for in that resolution can be appropriated for in this bill and not be subject to a point of order.

That resolution recites as follows:

That the Secretary of the Interior, by means of the Director of the Geological Survey, be, and he is hereby, directed to make an examination of that portion of the arid regions of the United States where agriculture is carried on by means of irrigation, as to the natural advantages for the storage of water for irrigating purposes, with the practicability of constructing reservoirs, *together with the capacity of the streams* and the cost of construction and capacity of reservoirs, and such other facts as bear on the question of storage of water for irrigating purposes; and that he be further directed to report to Congress as soon as practicable the result of such investigation.

I call the attention of the Chair to this language in the resolution particularly, "together with the capacity of the streams," etc. I have no doubt but that the Chair has the resolution before him. That is the law, Mr. Chairman. That is the law providing for the examination of the capacity of streams within the arid and semiarid regions and on the public domain. That has never been repealed, and in the sundry civil bill of October 2, 1888, this work was extended. It may be said that an item carried in the appropriation bill is not necessarily continuing law, but I wish to call the attention of the Chair to the fact that the provisions in the appropriation bill of October 2, 1888 (25 Stat., 526), contains this provision, which is continuing law:

That the Director of the Geological Survey, under the supervision of the Secretary of the Interior, shall make a report to Congress on the first Monday in December of each year, showing in detail how this money has been expended, etc.

This is with reference to the appropriation for the examination of the waters of the arid region and of the public lands. Later, by legislation, which I can not now turn to, provision was made that thereafter all reports relative to the gauging of streams and to examination into the water resources of the country should be published in a certain form, both of these acts being continuing law.

So, Mr. Chairman, this item is provided for, as I said at the beginning of my remarks, by three separate provisions of law: First, that providing for the classification of lands; second, that providing for the examination of the mineral resources of the country; third, by the joint resolution of 1888 and legislation following, specifically authorizing the expenditure herein provided for. And the chairman of the committee makes no argument against all this by saying that for some years this particular language was not used in the appropriation bills, because we all know that this work has been carried on from the organization of the Survey, was carried on before the present organization of the Survey. That the hydrographic branch of the Geological Survey has always been one of its most important branches is beyond question, and when the language objected to was not in the bills work was carried on under the provision of law which authorized the classification of lands and the examination of the mineral resources of the country as a necessary part of such classification and examination.

Mr. BROOKS of Colorado. Mr. Chairman, will the gentleman yield for a question.

Mr. MONDELL. Certainly.

Mr. BROOKS of Colorado. In discussing the fact that this appropriation is carried and authorized by the organic law constituting the bureau, the Geological Survey, I call the gentleman's attention to the fact that of course the only distinction between water and any other mineral is the fact that it is volatile and fluid at a given temperature, and that also iron is volatile at one temperature and liquid at another, and solid at another, and it is simply a question of temperature. Water is just as much a mineral as corrundum or anything else.

Mr. MONDELL. I thank the gentleman for the suggestion. He is quite right. No one can successfully deny that.

Mr. TAWNEY. Will the gentleman from Wyoming permit a suggestion to the gentleman from Colorado? I call the gentleman's attention to the fact that on page 471 of the hearings he will find the purposes for which this appropriation is used, and then I ask him whether it has any reference whatever to minerals.

The development of water powers has been most important in the Appalachian region of the South, but even as far north as Maine there has been great activity. Investors and engineers have sought for every scrap of information upon which they could base plans for larger utilization of the waters that were running to waste.

That is the language of Mr. Walcott in his detailed statement of the purposes for which this appropriation is expended. It did not relate to water at all.

Mr. MONDELL. Mr. Chairman, I do not think that disproves that water is a mineral by any possibility. The question as to how a mineral may be used does not in any manner affect the facts. Mineral oil, naphtha, benzine, and kerosene are used for the same purpose, for water power, that water is.

The CHAIRMAN. The Chair desires to state that, this being a discussion of the point of order, rests in the discretion of the Chair. The Chair is ready to rule. The Chair does not like to shut gentlemen off if they desire to ask questions or discuss the proposition, but the Chair is entirely satisfied on this proposition, and desires to state that further argument is useless, so far as the question at issue is concerned.

Mr. BROOKS of Colorado. I would like to ask the gentleman from Indiana one question—that is, if a limitation limiting the place where this appropriation is to be expended in that portion of the country west of the one hundredth meridian would meet the objection which the gentleman from Indiana [Mr. CRUMPACKER] makes in reference to water power in the Appalachian region.

Mr. CRUMPACKER. I think not. I understand that the reclamation act has practically provided for the gauging of water courses and the whole water question in the arid and semiarid regions. I do not think it answers the question at all.

The CHAIRMAN. On yesterday the Chair in an elaborate discussion took up the identical proposition presented by the point of order this morning. On page 75 the questions having reference to the "gauging of streams and determination of the water supply" were identical with those on which the point of order is now raised. The Chair, after having carefully examined existing law on the subject, together with the joint resolution to which the gentleman from Wyoming [Mr. MONDELL] this morning called the Chair's attention, decided at that time that, in the opinion of the Chair, it was subject to the point of order. And, for the reasons then stated, without again elaborating or repeating, the Chair sustains the point of order.

Mr. MONDELL. I respectfully appeal from the decision of the Chair.

The CHAIRMAN. The gentleman from Wyoming appeals from the decision of the Chair. The question is, Shall the decision of the Chair stand as the judgment of the committee?

The question was taken; and the Chair announced that the ayes seemed to have it.

Mr. MONDELL. Division, Mr. Chairman.

The House divided; and there were—ayes 68, noes 37.

So the decision of the Chair was sustained.

Mr. MONDELL. Mr. Chairman, I offer an amendment, which I send to the Clerk's desk.

The CHAIRMAN. The Chair will state to the gentleman from Wyoming that it is not in order to amend the paragraph, because the paragraph is out.

Mr. MONDELL. My amendment is not to the paragraph.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

After the word "treasury," line 2, page 77, insert "For measuring the capacity of streams in accordance with the joint resolution of March 20, 1888, $100,000."

Mr. CRUMPACKER. Mr. Chairman, I make the point against the proposed amendment, that it is supposed to be an amendment to a paragraph that was passed some time ago—the preceding paragraph—and that it changes existing law. There is no authority of law for an appropriation carried in the amendment. The amendment proposed is to amend the paragraph to the preceding one that went out on the point of order, and that was passed when we took up the reading of this paragraph.

The CHAIRMAN. Does the gentleman want to be heard on that?

Mr. MONDELL. Mr. Chairman, the amendment was offered not as an amendment to the preceding paragraph, but following the preceding paragraph.

The CHAIRMAN. The Chair is inclined to think that the gentleman can not offer it as an amendment, because it does not seem to amend anything. If the gentleman desires to offer it as a substitute to the paragraph that was stricken out, it will be in order to do so.

Mr. MONDELL. That was my intention, Mr. Chairman. I simply provided that my amendment should follow a certain word, that word being the last word of the preceding paragraph.

The CHAIRMAN. The paragraph has been stricken out that has reference to this subject.

Mr. MONDELL. I offer it as a substitute.

The CHAIRMAN. The gentleman offers it as a new paragraph.

Mr. MONDELL. I offer it as a new paragraph. I do not care to take the time of the House now on the point of order.

Mr. CRUMPACKER. I would like to know in what shape the proposition is now.

The CHAIRMAN. The gentleman has offered as a separate paragraph the proposition which was read at the Clerk's desk.

Mr. CRUMPACKER. That is a material change, and I think it ought to be reported, so that we may know in what shape it is.

The CHAIRMAN. Without objection, the Clerk will report it as a new paragraph.

The Clerk read as follows:

Insert as a new paragraph the following:
"And for measuring capacity of streams, in accordance with the joint resolution of March 20, 1888, $100,000."

Mr. CRUMPACKER. I make the point of order that that is a change of existing law. There is no authority of law, as a matter of fact, for the appropriation carried in the amendment.

The CHAIRMAN. The gentleman from Indiana makes the point of order.

Mr. TAWNEY. Mr. Chairman, I want to call the attention of the gentleman from Wyoming to the fact that there has been a repeal of that joint resolution, or part of that joint resolution: I think it was in 1890. I have sent for the book. It was repealed by necessary implication by the reclamation act, because that covered the whole subject.

The CHAIRMAN. Does the gentleman desire to be heard on the point or order?

Mr. MONDELL. The gentleman thinks it has been repealed. Possibly it has. I have searched diligently, and I have found no statute repealing it, either directly or by implication; nothing whatever. It is true that later the further exension of this work was provided for in an appropriation bill, and that further extension was somewhat modified by a repeal of the statute, but there has been no law repealing, directly or indirectly, the provisions of the joint resolution of March 20, 1888. The contention of the gentleman from Indiana [Mr. CRUMPACKER] that it was repealed directly or by implication by the national reclamation act is not sound, in my opinion. There is nothing in the national reclamation act repealing, directly or indirectly, this resolution. This resolution does not provide solely for the investigation of water resources in the interest of irrigation. It provides for a general investigation of the capacity of streams; and, Mr. Chairman, my amendment is simply to carry out the provisions of the joint resolution of March 20, 1888.

The CHAIRMAN. Does the gentleman from Minnesota desire to be heard on the point of order?

Mr. TAWNEY. Mr. Chairman, I have sent for the Statutes at Large, volume 26, which, I think, contains the repealing law. But aside from that, however, I wish to say this amendment the gentleman has offered is contained here in some literature prepared by the Geological Survey and sent to Members of the House, which reads as follows——

Mr. MONDELL. I received a considerable amount of the information I have given the House from the Geological Survey; I admit that, and it is sound and safe doctrine.

Mr. TAWNEY (reading):

That the Secretary of the Interior, by means of the Director of the Geological Survey, be, and he is hereby, directed to make an examination of that portion of the arid regions of the United States where agriculture is carried on by means of irrigation as to the natural advantages for the storage of water for irrigating purposes with the practicability of constructing reservoirs, together with the capacity of the streams and the cost of construction and capacity of reservoirs, and such other facts as bear on the question of storage of water for irrigating purposes; and that he be further directed to report to Congress as soon as practicable the result of such investigation.

Now, Mr. Chairman, the irrigation act, by implication at least if not directly, entirely wipes out this joint resolution, because it expressly provided for the doing of everything which the Secretary of the Interior was directed to do under this joint resolution. There is no authority, therefore, for the expenditure of the money under this resolution, because the resolution has been supplemented and thereby, by implication, repealed.

The CHAIRMAN. Does the gentleman desire to be heard?

Mr. MONDELL. Mr. Chairman, the gentleman thinks that there has been a repeal of this joint resolution. I do not believe there has been any repeal, directly or indirectly, of its provisions.

Mr. TAWNEY. I will ask the gentleman from Wyoming, who is thoroughly familiar with the law and the country in which this reclamation is going on under the reclamation act, has any work been done under this joint resolution?

Mr. MONDELL. Now, Mr. Chairman, I do not know as to that, except that the very work we are trying to continue has, so far as the arid region is concerned, been authorized under that resolution.

Mr. TAWNEY. I would like to ask the gentleman another question. Has the Secretary of the Interior ever reported in compliance with this joint resolution?

Mr. MONDELL. The gentleman will have to ask the Secretary.

Mr. Chairman, I want to call the attention of the Chair to the fact that not only has this joint resolution never been repealed or modified, directly or indirectly, but my paragraph does not seek to put in operation all of the provisions of this joint resolution.

The CHAIRMAN. The Chair would like to ask the gentleman a question. This provides:

That the Secretary of the Interior, by means of the Director of the Geological Survey, be, and he is hereby, directed to make an examination—

Of certain portions of the United States—

and that he be further directed to report to Congress as soon as practicable the result of such investigation.

Was such a report ever made by the Secretary of the Interior to Congress pursuant to that joint resolution?

Mr. MONDELL. There have been a number of reports made on these general subjects, Mr. Chairman.

The CHAIRMAN. Pursuant to this resolution?

Mr. MONDELL. I do not know that there has ever been a complete report made under this resolution. In fact, I do not know whether any report was ever made under the resolution. I assume there was no complete report, and I wish to call the attention of the Chair to the fact that by this amendment I simply provide for the measurement of the capacity of streams, as provided for by this resolution. I do not seek to put in operation any of the other provisions of the resolution, or to provide for carrying out any of the work provided for in the resolution, save the measuring of streams. Now, Mr. Chairman, the reclamation law does not provide for any stream measurements except in connection with irrigation projects under examination; on the contrary, it prohibits any measurements or investigations anywhere except in connection with projects which the Secretary of the Interior contemplates constructing under the reclamation law. Private companies are irrigating lands, farmers are irrigating lands, settlers, far from flowing streams in the western country are irrigating lands, where the depth of the water below the surface is not so great as to make it impracticable to raise it by wind mills and other cheap power, and this investigation is necessary, outside of the field occupied by the Reclamation Service, for the benefit of farmers, intending settlers, purchasers of the Government lands, of which 365,000,000 acres remain on the market in the arid region.

The CHAIRMAN. The new paragraph offered by the gentleman from Wyoming was read, as follows:

For measuring the capacity of streams, in accordance with the joint resolution of March 20, 1888, $100,000.

Recourse must therefore be had to the joint resolution of 1888

in order to determine the meaning of the proposition of the gentleman from Wyoming. That resolution reads as follows:

Resolved, etc., That the Secretary of the Interior, by means of the Director of the Geological Survey, be, and he is hereby, directed to make an examination of that portion of the arid regions of the United States where agriculture is carried on by means of irrigation, as to the natural advantages for the storing of water for irrigating purposes, with the practicability of constructing reservoirs, together with the capacity of the streams, and the cost of construction and capacity of reservoirs, and such other facts as bear on the question of storage of water for irrigating purposes; and that he be further directed to report to Congress as soon as practicable the result of such investigation.

It will be seen from this joint resolution that it is not in any sense a continuing law, but merely a direction to the then Secretary of the Interior to make certain investigations and report as soon as practicable. Now, if the then Secretary, or any Secretary of the Interior since that time, has not reported, a resolution requiring him to report might be in order, possibly, under this joint resolution; but the gentleman from Wyoming does not seek to do that by this paragraph. He seeks to make it a continuing law under this joint resolution, which is not a continuing law, but which is only a resolution directed to the then Secretary of the Interior to do a certain thing.

The Chair therefore thinks very clearly that the new paragraph is subject to the point of order as being new legislation. The Chair sustains the point.

MESSAGE FROM THE SENATE.

The committee informally rose; and Mr. GROSVENOR having taken the chair as Speaker pro tempore, a message from the Senate, by Mr. PARKINSON, its reading clerk, announced that the Senate had agreed to the report of the committee of conference on the disgreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 12707) to enable the people of Oklahoma and Indian Territory to form a constitution and State government and be admitted into the Union on an equal footing with the original States; and to enable the people of Arizona and New Mexico to form a constitution and State government and be admitted into the Union on an equal footing with the original States.

The message also announced that the Senate had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 4806) to regulate the landing, delivery, cure, and sale of sponges.

SUNDRY CIVIL APPROPRIATION BILL.

The committee resumed its session.

The Clerk read as follows:

For the continuation of the investigation of the structural materials of the United States (stone, clays, cements, etc.), under the supervision of the Director of the United States Geological Survey, to be immediately available, $50,000.

Mr. WEEKS. Mr. Chairman, I make the point of order against the paragraph just read. I make that point based on the fact that the original appropriation for that purpose did not contemplate that it would be a continuing work, and even if it did, its termination was specially provided for by the wording of the appropriation made for that purpose last year, which was for the continuation and completion on or before July 1, etc.

The CHAIRMAN. Does the gentleman from Massachusetts wish to be heard on the point of order?

Mr. WEEKS. I do not.

Mr. KEIFER. Mr. Chairman, the point of order is made against five lines included in lines 8 to 12 on page 77 of the bill, and relates to the investigation of the structural material of the United States—stone, clay, cement, etc.

On yesterday, Mr. Chairman, I undertook to claim that the Appropriation Committee ought to be taken at its word. It ought to be taken that it had investigated the subject about which they propose to legislate, and this brings us sharply to the same question. Line 8 begins "for the continuation of the investigation of structural materials of the United States," etc. The Appropriation Committee in its hearings ascertained what was necessarily true, that this work was going on, and in its preparation of the bill used appropriate language when it said "for the continuation of the investigation of structural material."

Now, Mr. Chairman, if that is true, unless the Appropriation Committee is mistaken, the point of order is not well taken against this paragraph in the bill. No one will dispute, I think, the fact that this matter of investigation of structural material is going on. If dispute was made, I think I could find testimony in support of it in the hearings and in the recommendations and statements made by the different officers of the Government. The work was taken up, Mr. Chairman, largely at St. Louis, in connection with the Louisiana Purchase Exposition, and it was continued there with facilities that were furnished, demonstrating that it was not the work of a day but a work that took a great deal of time to complete. You can not make an investigation in a day; it was not a mere chemical analysis; it involves various tests as to strength and resistance and the plant necessarily had to be constructed for the purpose of carrying on the investigation. And wherever else anything was done in that direction in the United States it required the same preparation and the same plant.

But, Mr. Chairman, in a document that was sent to the Senate and ordered published February 12, 1906—Senate Document 214—we find some reference to the matter. A resolution was passed on the 26th of January, 1906, by the Senate, calling on the Secretary of the Interior to transmit a summary of the results obtained in the investigation, under the direction of the Geological Survey, of fuels and structural materials at the testing plant at St. Louis, and a statement of his opinion and the reasons therefor, whether or not it is desirable for the Government to continue the investigation, giving an estimate of the amount of money which would be necessary to carry on the investigation in a satisfactory manner during the fiscal year commencing July 1, 1906.

I read now from the Secretary's report in response thereto:

I transmit herewith a copy of a letter from the Director of the Geological Survey, embodying the report called for in the above-mentioned resolution, and have the honor to state that, in my judgment, the investigation of fuel and structural materials heretofore authorized by the Congress should be continued, and an appropriation of $350,000, as estimated by the Director of the Geological Survey, be made for that purpose.

Now, I could go through, if it did not weary the Chair and committee, the letter of February 3, 1906, by the Director of the Geological Survey, and show therefrom that the proposed investigation should be continued, as it is now being carried on. In speaking of the matter of investigation, he speaks of fuel investigations and other investigations, and says:

During the current fiscal year various investigations are being conducted in St. Louis on the same site that was used during 1904. The equipment has been enlarged by the purchase of the necessary instruments, machinery, and by the construction of storage bins, conveyors, and other facilities for handling coal. The object of the investigation indicated in the wording of the act the analyzing and testing of coal, lignites, and other fuel substances in order to determine their fuel value. The class under investigation now is the one relating to structural material.

Further on in this letter it will be found that he referred specially to this. In the same letter it is said that the Geological Survey has entered on the conduct of the investigation of the fuel and structural materials in response to a general public demand for information rather than any theoretical consideration. I read from page 8 of the report. This is what is stated:

During the years 1902, 1903, and 1904 the Survey conducted a series of examinations of materials suitable for the manufacture of cement foundations in different parts of the country, and these examinations have already resulted in important industrial developments. During this year, and especially during 1904 and 1905, the need of more extended investigations into the most efficient methods of utilizing the cements and other structural materials has become continually more apparent.

So that this plant that has been established, this work that goes on—whether you call it public work or whether you call it an object, it is quite immaterial—the rule of this House would admit it properly as an appropriate——

Mr. TAWNEY. Mr. Chairman, I regret very much to do it, but I am compelled, in order to save time, to call attention to the fact that the gentleman is not speaking to the point of order.

Mr. KEIFER. I beg the gentleman's pardon. The difficulty is with his own mind. I am trying to demonstrate, and just now stated, that we have a plant where we are continuing now to do, according to the statement of the Secretary of the Interior and the Director of the Geological Survey, this very work. It is going on at present, and nobody denies it. These officers know, and when the gentleman says that has nothing to do with the question, he seems to have awakened from a dream. The question is whether we may strike this down under a point of order when it is a matter that is continuing. We may make appropriations under a paragraph of Rule XXI of this House for a continuation of public works or objects already in progress.

The CHAIRMAN. The Chair would like to ask the gentleman from Ohio a question or two for the information of the Chair, in order that the Chair may rule intelligently upon the point of order. The Chair will ask the gentleman this: This item reads "for the continuation of the investigation of structural materials of the United States." Does the gentleman believe that the word "of" is used in its possessive sense—that is, the structural material belonging to the United States—or is it used in the sense of containing, that is to say, in the United States?

Mr. KEIFER. In the United States.

The CHAIRMAN. In the whole United States?

Mr. KEIFER. Yes; and that is what has been going on, except where we have specially provided otherwise by law in this bill. If the Chair will pardon me, I will call the attention of the Chair to the fact that he will find on page 88 the question of testing materials for the United States provided for under the head of the Watertown Arsenal tests.

The CHAIRMAN. The Chair understands that. Secondly, the Chair desires to ascertain whether or not these investigations that have been provided for in previous appropriations of this character and under this language in this appropriation bill are for private parties, for corporations, or for the United States Government.

Mr. KEIFER. They are for the benefit of the people of the United States. They are not for private parties. I understand that this plant that was established at the Louisiana Purchase Exposition was a place where they invited people who had materials, not only in the State of Missouri, but all over the country, to send the material to be investigated and to be tested, and those materials were tested not for a corporation, but for the purpose of determining the value of the materials generally that we might utilize in work in public buildings.

The CHAIRMAN. But whose coal and structural material was there examined? Was it material belonging to the United States, taken from the United States domain, or was it material belonging to private individuals in different parts of the country?

Mr. KEIFER. Mr. Chairman, I am not able to answer every question that may be asked; but my understanding is that the material was sent there without cost to anybody, some getting it from one place and some from another. It was for the purpose of testing cement, stone, iron, and those very things that enter into our buildings, for the public buildings all over the country, the public buildings here, and other structures, and so on; and it was not made because it belonged to the United States particularly, but it was United States material. Now, it is said by the gentleman who makes the point of order that the appropriation last year was to complete a work; but the committee comes here, the distinguished chairman reporting the bill, and asks for an appropriation to continue the work that began in years before, and he expresses himself aptly through the bill in that way. I am trying to stand by the bill of the committee. I do not care to attack it on the side after it has been reported by the committee. I am here to defend the committee, and insist that it used appropriate language when it made this appropriation for the continuation of the investigation of the structural material.

Mr. MADDEN. Mr. Chairman, I desire to say a word or two on this point of order. The gentleman from Massachusetts [Mr. WEEKS] makes the point of order that there is no existing law under which this appropriation can be made, because the last bill said that the appropriation was made to complete a certain line of tests. I want to call the attention of the Chair and of the committee to the fact that the Agricultural Department is making tests of all kinds in every section of the country, for which appropriations are being continually made, and it can not be said that these tests are being made for the Government of the United States; but it can be said, on the contrary, that they are being made for the people of the United States. The purpose of the tests is to develop a condition of facts upon which the people of the country can base action for the development of the various products of the country.

I want to call the attention of the Chair to the fact, in connection with this point of order, that a short time ago an appropriation was made for the construction of a Naval Academy at Annapolis and a limit of cost was fixed for the construction of the buildings there. The language of the appropriation is that the limit of the cost should be the amount of the appropriation; but later on it was developed that this appropriation was not sufficient to complete the buildings, and, notwithstanding the limit placed on the original cost of these buildings, this House passed additional appropriations. And the same thing is true with relation to the construction of the buildings of the Military Academy at West Point. And so we might go on and on.

This appropriation is recommended for the purpose of developing information which will be advantageous to the people of the country and in every section of the country. It develops the use of building materials, it fixes the location where these materials can be obtained, it develops great business enterprises because of the information furnished. It gives employment to labor everywhere. It demonstrates the character of materials that ought to be used in the construction of fireproof buildings. It has demonstrated the feasibility of the use of cement in the place of stone and other high-priced commodities, and because of the development of the utility of this material the cost of building has been reduced to the people of the country. And to say that this is not a public measure is but to beg the question. I submit, Mr. Chairman, that the point of order made by the gentleman from Massachusetts ought to be overruled.

Mr. BARTHOLDT. Mr. Chairman, I desire to address the committee on the merits of the proposition, but since the point of order has been raised I wish to say that the authority for continuing this work is to be found in the organic act creating the Geological Survey. It reads as follows:

> Under the foregoing provision the National Academy of Science recommended that Congress establish, under the Department of the Interior, an independent organization, to be known as the United States Geological Survey, to be charged with the study of geological structure and economic resources of the public domain—

And so forth.

Under this organic law this work has been continued, and if, as the gentleman from Massachusetts [Mr. WEEKS] claims, the last appropriation act uses the language "to complete such test" I desire to call the attention of the Chair to the fact that no doubt certain tests which were to be made as far as that appropriation reached were completed. But that does not say that this means the completion of this great work.

I will read from a document submitted to the Senate by the Secretary of the Interior to show how much of this work remains yet to be done. And incidentally let me try to dissolve the doubt in the mind of the Chair as to who is benefited by this investigation. It is true that a certain number of private parties have contributed material to the investigation. But the investigation was made on behalf of the Government for the benefit of the people, and if private parties contributed material for those tests and investigations it was done as a gratuitous act and cost the Government nothing, and for which we should be properly grateful. As to the necessity for continuing this work, I merely cite some of the reasons which are given here in this Senate document:

> The prevention of accidents in coal mines by the investigation of the use of explosives in the presence of coal dust and coal gasses in mines. The proportion of men killed in American coal mines is much greater than in any other country—three times greater than in Belgium, which has the most dangerous coal mines.

Mr. WEEKS. May I interrupt right there?

Mr. BARTHOLDT. Yes.

Mr. WEEKS. Mr. Chairman, I would like to call the attention of the gentleman from Missouri to the fact that the point which he is now discussing is in the following paragraph; that it has nothing to do with the paragraph against which the point of order has been made.

Mr. BARTHOLDT. A number of reasons are given here for continuing the structural tests, just the same. I will not detain the House by reading from this report any further. But it is evident and plain to every gentleman, I presume, on this floor who has given any attention to this matter that this investigation has not been completed; that the appropriation provided in this bill is necessary to continue those investigations, and that the investigations are being carried on not in the interest of any private concern, but in the interest of the people of the whole country.

Mr. DALZELL. Mr. Chairman, I would like to say a word. It seems to me that this appropriation is justified by the language of the original act creating the Geological Survey, because it comes within the definition of its powers in the examination of the mineral resources and products of the national domain. But aside from that altogether, this is evidently continuing a public work already in progress. It is of a tangible character, having machinery and all sorts of appliances connected with it, and it is of such a character that it has a perceptible end. It is not a work that goes on forever. It is a work that may be ended. Now, with respect to the question that the Chair put a moment ago——

Mr. LITTAUER. I would like to ask the gentleman a question, if he will yield.

Mr. DALZELL. Certainly.

Mr. LITTAUER. Was not the legislation in connection with this subject last year to put an end to it, and that on the 30th of June next?

Mr. DALZELL. I am coming to that in a moment.

Mr. McCALL. Why should a work of that kind go on forever inspecting and testing any building material that any gentleman may submit? Because, how could you ever bring to an end work of such a kind as to material which may be submitted to a test?

Mr. DALZELL. The testimony before the committee, if the gentleman had read it, was to the effect that this investigation would not last more than a certain number of years, and the number of years was named. Of course there is an end of in-

vestigation work of this kind, because materials to be investigated are necessarily limited; but with respect to the question the Chair put a moment ago, as to whether or not this was a test of materials of the United States or a test of materials in the United States, the fact as to that, I suppose, from reading the testimony, is that materials are supplied to this Survey by various parties to be tested, and of course the result of their investigation becomes a matter of common knowledge, and to that extent their investigation is in the interest of all the people; but the object of this investigation, primarily, is for the United States Government. The Supervising Architect, who appeared before the committee, testified that this investigation was rendered necessary in response to the Irrigation Commission, in response to the Engineer Corps of the Army and Navy, and in response to the demand made by the Isthmian Canal Commission, and he went on to testify. Mr. SULLIVAN asked him:

Mr. SULLIVAN. Do you think the continuance of Government aid would promote the science to such an extent as would make it profitable to the Government to continue the experiments, because of the advantages it would have in the construction of its own buildings?

Mr. J. K. TAYLOR. Yes; I think it would pay it in that advantage, but not in actual money. It would pay it in the advantages it would get in its own construction, which runs into a good many hundred millions of dollars in a year.

Mr. SULLIVAN further asked him:

I meant whether the results of the experiments would be so beneficial as actually to save to the Government in its building operations a sum of money equal to the cost of the experiment.

Mr. J. K. Taylor answered:

I think it would save not only that, but twice or three times as much.

Mr. TAYLOR. You mean it would be an investment paying 200 or 300 per cent?

Mr. J. K. TAYLOR. It certainly would.

Mr. TAYLOR. For the Government in constructing its own buildings now and those in contemplation?

Mr. J. K. TAYLOR. Yes; now in contemplation or already under way.

So that primarily this is an appropriation for a governmental purpose, although the result, of course, will inure to the benefit of all the people.

Now, with respect to the contention that the appropriation last year was for continuation and completion of this investigation. It was for a continuation and completion of an investigation. I do not know whether it related to this particular matter of structural materials or the investigation of coal. The investigation in contemplation when the appropriation was made that would be finished by the 1st of July, 1906, may, so far as I know, be completed then. This investigation is another investigation along the same line, and even if it were not so, the provision for completion was only a limitation on that current appropriation bill and did not make such a law as is contemplated by the rule. It would be absurd to say this Government would be foreclosed from continuing a great public work, because in the first instance it had misconceived the time necessary to be employed for the completion of that work and which had apparently not yet been completed, but was in actual progress.

Mr. BROOKS of Colorado. Will the gentleman yield there? Is that limitation of time any different from the limitation that is put on in cost and which is frequently overridden by subsequent appropriations?

Mr. DALZELL. Not at all. It is a limitation that is valid for the current year, and that is all.

Mr. BARTHOLDT. That is it.

Mr. SMITH of Iowa. Mr. Chairman, the appropriation for this work is first found in the general deficiency bill for 1905. The language is:

For the investigation of the structural materials of the United States—stones, clays, cements, etc.—under the supervision of the Director of the United States Geological Survey, $5,000.

The sundry civil bill of year before last for the same purpose contained identically the same language aside from the difference in the amount carried. Last year, when the appropriation came to be made, fearful that under the guise——

Mr. MADDEN. Will the gentleman allow me to ask him a question?

Mr. SMITH of Iowa. Not at present.

Mr. MADDEN. I should like to ask him——

Mr. SMITH of Iowa. Just in a moment. Fearful that under the guise of making an appropriation for the St. Louis Exposition a new permanent branch of the public service was to be added, Congress changed the language to read:

For the completion of this work by July 1, 1906.

If a bill should pass this House authorizing the erection of a building at the cost of a million dollars, and that million dollars should be appropriated, and toward the close of the expenditure of that million dollars an additional appropriation should be put upon this bill of half a million for the completion or the continuation of that building, it would be no answer to a point of order to say that the building was in course of construction and was a work in progress. It would be a complete and sufficient answer under the ruling to say that if that building could not be completed for the amount appropriated, it was a violation of law and could not constitute a basis of authority in law for the putting of an item in the appropriation bill. Just exactly in the same way the Congress of the United States put a limit of cost upon this investigation of structural materials. It said that this money should be appropriated for the completion of the structural materials before the 1st day of July, 1906. That is an explicit and express limit of cost, just as explicit and just as express as the limit of cost upon a building or any other public work; and when gentlemen come and say the work is not complete, they base the application for a new appropriation, not upon authority of law, but upon an alleged violation of the law and a failure to complete the investigation within the time required by the act of Congress.

Mr. MADDEN. I just wanted to ask the gentleman if he was a member of the Appropriations Committee that reported this bill?

Mr. SMITH of Iowa. I cheerfully answer the gentleman that I am a member of the Appropriations Committee that reported this bill, and that I have opposed this item at every stage of the proceedings.

Mr. MADDEN. I was going to ask him why he was opposing the adoption of the report of his committee.

Mr. SMITH of Iowa. I not only opposed it at the time, but I am opposed to it now, and in the committee I announced publicly that I purposed to resist the insertion of this item in the bill. There has been no concealment of my attitude from my colleagues on the Committee on Appropriations on this subject. Whether right or wrong—and I am not criticising those who differ from me—my conviction is that this thing ought to stop, and the law provides it shall stop, and I have always said that I opposed any continuance of the appropriation.

Mr. BARTHOLDT. Since my friend from Iowa is discussing the merits——

Mr. SMITH of Iowa. No; I am only answering the gentleman from Illinois [Mr. MADDEN].

Mr. BARTHOLDT. Will he allow me to ask him a question?

Mr. SMITH of Iowa. Not upon the merits.

Mr. BARTHOLDT. But you have been discussing the merits.

The CHAIRMAN. The Chair does not desire to hear a discussion of the merits.

Mr. SMITH of Iowa. I have not discussed the merits, begging the pardon of the gentleman from Missouri; I have simply announced what was my reply to the query of the gentleman from Illinois. Now, if Congress provides by a specific law that the work of a bureau is to terminate on the 1st day of July, 1906, that a specific work is to terminate then, if that does not make it out of order to put an additional appropriation on the bill I do not know what language would be chosen for that purpose or what course could be pursued to that end. This law not only gave the right to carry on the work under the then existing appropriation, but it provided that this work should be completed by the 1st day of July, 1906; and when it says that, even though there had been authority in the act creating the Geological Survey to carry on that work, that was a solemn act of Congress declaring that this branch of the work of the Geological Survey should be concluded by the 1st day of July, 1906.

Mr. BARTHOLDT. Will the gentleman yield?

Mr. SMITH of Iowa. Yes.

Mr. BARTHOLDT. If the organic act authorized this work to be continued, which, in my judgment, it undoubtedly does, does the gentleman not believe that this Congress has a right to make a provision to continue it?

Mr. SMITH of Iowa. Answering the gentleman, if he means that it would be in order on this bill, I say no. The Geological Survey was founded to conduct certain investigations, and whenever Congress passed a law that any portion of this investigation must be completed by the 1st day of July, 1906, that terminated the authority of the Geological Survey to make any further investigation upon this subject without a further act of Congress, even though such authority might have been contained in the original act.

Mr. KEIFER. I would like to ask the gentleman a question.

Mr. SMITH of Iowa. Certainly.

Mr. KEIFER. I understand the gentleman's contention to be that because the clause in the sundry civil bill last year pro-

vided for the continuation and completion by the 1st day of July, 1906, of this work of investigation of structural material, that it is not now in order to provide for the continuation because after the 1st of July, 1906, we shall have completed it.

Mr. SMITH of Iowa. Not that we shall have completed it in fact.

Mr. KEIFER. We are dealing with the present, are we not, and the matter certainly has not been completed, and therefore it is in continuation, and we have a right under the rule to continue to appropriate for that object?

Mr. SMITH of Iowa. Mr. Chairman, I have no objection to the gentleman making that argument if he sees fit. I want, if it is possible, to impress a single point on the Chair. I deny that the original act authorized these tests. I deny that the authority contained in this act ever authorized the test at all The Geological Survey was created in an appropriation bill. The language was:

For the salary of the Director of the Geological Survey, which office is hereby established under the Interior Department, who shall be appointed by the President, by and with the consent of the Senate, $6,000: *Provided*, That this officer shall have the direction of the Geological Survey and the classification of the public lands and examination of the geological structure and mineral resources of the products of the national domain.

Mr. MADDEN. What does the gentleman call this, a mineral product?

Mr. SMITH of Iowa. If the gentleman would kindly wait I will try and tell him. Here is a law providing for geological survey of the mineral resources of the United States. I deny that under such a law there is any authority to found a laboratory outside of the national domain to carry on investigations in the laboratory as to the textile strength of materials as to the laws of physics with reference to materials everywhere outside of the national domain.

The CHAIRMAN. What does the gentleman understand by the term "national domain?"

Mr. SMITH of Iowa. I understand "national domain" to be the public lands of the United States, and those lands which have been reserved from entry, as forest reserves, national parks, and the like, and those portions of the United States held in private ownership over which the national authority is supreme and exclusive.

Mr. MADDEN. That covers the whole United States.

Mr. BARTHOLDT. Will the gentleman yield for a question?

Mr. SMITH of Iowa. Certainly.

Mr. BARTHOLDT. In regard to this matter the gentleman's point is not well taken, because these buildings that have been in use for the purpose of the exposition have been turned over to the Government of the United States at St. Louis for the purposes of this investigation. Consequently it may fairly be assumed that this is Government property to all intents and purposes.

Mr. LITTAUER. Has the land been ceded to the Government?

Mr. SMITH of Iowa. Oh, no. Mr. Chairman, I can not see that these interruptions throw any light on the subject. I am clear that the national domain is distinct from State domain, inasmuch as the Supreme Court of the United States has held that the United States has the power to pass police regulations for the government of public lands even in the States, that the national domain necessarily includes the public lands, forest reserves, national parks, and all the Territories in the United States, including the District of Columbia.

But even if I should concede that the national domain had the wild meaning attached to it on yesterday, and that it included everything within the limits of the authority of the United States, still I deny that the geological survey of minerals of the United States has anything to do with the establishment of a laboratory to test the tensile strength of material and the sustaining power of stone. But if we confer express authority upon the Geological Survey to do these very things in the organic act, and then by a solemn act of Congress declare that it should complete that work by a given day, then that portion of its original authority terminates upon that day.

Mr. BARTHOLDT. But the day has not yet come.

Mr. SMITH of Iowa. And consequently there can be no appropriation for the year 1907, because before that year the necessary authority of the Geological Survey to investigate the structural materials will have absolutely ceased under an express act of Congress.

Mr. MADDEN. Does the gentleman contend that Congress has no power to reenact the law?

Mr. SMITH of Iowa. Oh, certainly it has; but not on an appropriation bill.

Mr. WM. ALDEN SMITH. First, one has to obtain the consent of the Committee on Appropriations to do it.

Mr. MADDEN. Is not this appropriation immediately available, if it is passed?

Mr. TAWNEY. No; it is not.

Mr. MADDEN. It says so.

Mr. SMITH of Iowa. It makes no difference whether it is immediately available or not. That probably makes it subject to a point of order in any event, because it is included in the sundry civil bill for the year 1907. It does not help its friends any. This project, this investigation, is not to continue at St. Louis.

Mr. MADDEN. Nobody claims that it is.

Mr. SMITH of Iowa. It is contended here by the gentleman from Missouri [Mr. BARTHOLDT] that the Government of the United States has certain property in Missouri in the city of St. Louis, and that that has become a part of the national domain.

Mr. BARTHOLDT. No, no; that is not my contention.

Mr. SMITH of Iowa. That is what I understood, and that is the only relevancy it had to my remarks.

Mr. BARTHOLDT. I will state for the information of the committee and the Chair that certain buildings have been turned over to the Government of the United States by the city of St. Louis and by the World's Fair Exposition Company for the purpose of this investigation. No rent is being charged the Government. The Government uses those buildings free, and the right of occupancy is guaranteed to the Government of the United States if those tests should be continued.

Mr. SMITH of Iowa. The gentleman's enthusiasm on this subject seems to be moved in a measure by the fact that this is a local interest to him, but I want to assure him that if this appropriation is made it is with the distinct understanding that the whole plant is to be moved away from the city of St. Louis.

Mr. BARTHOLDT. Has the gentleman any positive information on that subject? [Laughter.]

Mr. SMITH of Iowa. I have positive information in the hearings that there is no purpose of continuing the plant at St. Louis. [Renewed laughter.]

Mr. TAWNEY. Mr. Chairman, will the gentleman from Iowa pardon me——

Mr. KEIFER. Mr. Chairman, those statements ought not to be made without the record.

The CHAIRMAN. This discussion is, in the discretion of the Chair, on the point of order. The Chair knows nothing about that.

Mr. TAWNEY. Mr. Chairman, I ask the gentleman to yield to me for a moment on this point of the location of the laboratories to be conducted in connection with these tests.

The CHAIRMAN. That is not a matter that enters into the decision of the Chair at all.

Mr. TAWNEY. It enters in this respect, that it answers the question of the Chair as to what material and for whose benefit this investigation is to be made.

The CHAIRMAN. If it throws light on that proposition, it is relevant.

Mr. TAWNEY. I will read a petition that was referred to the Committee on Appropriations, having been introduced into the House:

UNITED STATES TESTING LABORATORY.

Whereas an act is now pending in Congress providing for an appropriation of $350,000, the amount estimated and recommended by the Secretary of the Interior as necessary to carry on the investigations of the Geological Survey Bureau of fuels and structural materials at testing plants at present located at St. Louis; and

Whereas the board of directors of the chamber of commerce believes that such investigations should be continued and would be of inestimable value to the manufacturing interests of the country; and

Whereas the Chamber of Commerce of the city of Pittsburg is convinced that the ideal location for testing laboratories and investigations of this character is the city of Pittsburg, or its immediate vicinity, being the largest producer of fuel and structural materials in the world: Therefore, be it

Resolved, That this board of directors of the Chamber of Commerce of the city of Pittsburg requests the Senators and Representatives from the Pittsburg district and those Senators and Representatives from adjoining cities and counties to favor the passage of the act carrying such appropriation as may be considered sufficient, provided that the location of these laboratories be left open until the claims of the Pittsburg district can be brought before the Director of the Geological Survey.

Mr. DALZELL. Mr. Chairman, what purpose has the gentleman in view in putting that in now?

Mr. TAWNEY. It is only for the purpose of calling the attention of the Chair to the fact, in answer to his own inquiry a few moments ago as to whose benefit this testing of structural material was made for, and that from this petition it appears that it was for the benefit of the local manufacturers and architects throughout the United States.

The CHAIRMAN. The Chair did not understand the gentleman from Pennsylvania.

Mr. DALZELL. Mr. Chairman, I simply asked the gentleman

from Minnesota why it was he put that into the RECORD at this particular time, and he said in answer to my claim that this was for the benefit of the Government. I expressly said, when I was on my feet before, that the result of these investigations would be for the benefit of everybody, the whole people, as well as the Government, although the Government is primarily interested in it.

Mr. BARTHOLDT. Mr. Chairman, will the gentleman allow just one question? I desire to say in respect to the statement made by my friend from Iowa that this plant would be removed from St. Louis, that if this point of order is not sustained and if the appropriation is made by Congress I am willing to take my chances in this matter as to St. Louis.

Mr. SMITH of Iowa. Mr. Chairman, if I may revert to the point of order, I will say, so far as that is concerned, that the city of St. Louis was left out of this item for the purpose of permitting the plant to be removed; and the gentleman probably is well aware of the fact that the city of St. Louis has appeared in the item heretofore. But that is neither here nor there. I rest this case on two distinct propositions. First, that an authorization for a geological survey is not an authorization to establish in any event laboratories in the United States for the purpose of testing the tensile strength of metals or the sustaining power of stone or cement or the like. Cement is not a natural product. It is a manufactured product. And there is no more power under the Geological Survey statute to provide for the testing plant for cement than for a testing plant for any other manufactured article. I deny that this is limited to the national domain. For these two reasons I insist that it was not within the original act. But if it was within the original act, suppose we pass a law this year appropriating $350,000, which should be the final appropriation for the completion of the work of the Geological Survey, would that not in and of itself terminate the authority of the Geological Survey?

Mr. BROOKS of Colorado. Certainly not.

Mr. SMITH of Iowa. It would in effect repeal this authority for all future time, and nothing more could be done without a specific act of Congress; and so when Congress said, "We will enter upon the testing of structural materials," and later on said, "We will continue this for one year and no longer, and it shall be completed within that year and on the 1st day of July, 1906," there is no authority in law, even if it originally existed, to continue these experiments beyond the 1st day of next July; and as there is no authority to continue these experiments there is no authority to appropriate money to carry them on.

Mr. DALZELL. I would like to ask the gentleman a question, if he will permit me.

Mr. SMITH of Iowa. Certainly.

Mr. DALZELL. Did not this take place before the committee on Tuesday, April 19, 1906:

Mr. SMITH. Are you interested in both the reenforced concrete tests and the fuel tests?

Mr. HUMPHREY. Yes; I am interested in both of them, but the major subject is that of structural materials.

Mr. SMITH. The committee will be glad to hear such a statement as you desire to make with reference to the continuance of the appropriation for experiments in structural materials, but I would suggest to you that the committee has no doubt about the value of those experiments, but that the only question in the minds of members of the committee, so far as I am advised, is whether the matter is not in such an advanced state now that it ought to be left to private effort to develop it, as in the case of other inventions.

Did that take place before the committee?

Mr. SMITH of Iowa. I think substantially it did. I had no doubt then and I have no doubt now of the value of these experiments by people who want to pay for them, but I have some doubt about the duty of this Government to carry on these experiments for the cement manufacturers and steel manufacturers of the United States. I do not want to discuss the merits of this proposition. I have been trying to keep myself on the point of order.

Mr. KEIFER. Mr. Chairman, I do not care to occupy the time of the committee but for a moment, and I want to confine that to a single point. I am now trying to be deliberate in what I say, in the possible hope that the regular chairman of the commitee will return. [Laughter.] I did not rise, Mr. Chairman, to prolong this discussion. I think we get very loose sometimes in our answers when questions are asked hastily. When the gentleman from Iowa was trying to impress upon the Chair the idea that a law last year had terminated the matter of the right to investigate structural material, he was asked a question as to whether or not the appropriation proposed now would be immediately available, and the distinguished chairman of the committee said it would not. Now, I read from the clause of the bill that the point of order is made against. The latter part of it says:

Under the supervision of the Director of the United States Geological Survey, to be immediately available, $50,000.

Mr. TAWNEY. It was understood that that provision was to be stricken out, but it was not stricken out, by mistake, in the reprint of the bill.

Mr. KEIFER. The gentleman says it was not to be put in, but it is in. The proposed appropriation for the purpose is to become immediately available.

Mr. TAWNEY. It is in.

Mr. KEIFER. Yes, it is in; so that the point of the gentleman from Iowa [Mr. SMITH] is entirely eliminated. We are proposing to-day, according to his argument, to continue that appropriation of money to be made immediately available, this work which he admits is not to terminate under the law of last year until the 1st day of July next. So the point of order can not be sustained on that ground. Because we propose in the future to do something, they say the rule does not apply at the present time that we may continue a public work or object.

Mr. McCALL. I wish to ask of the gentleman whether this appropriation can be used after the 1st day of July, 1906?

Mr. KEIFER. It can be used until it is used up.

Mr. McCALL. Then would it not be a change of existing law, if existing law required a certain work to be done before the 1st day of July, 1906?

Mr. KEIFER. Suppose it did. That would not affect the question. If the gentleman is familiar with Rule XXI of the House, he would see that we may make appropriations to continue public works or objects already in process of completion. So the point of order falls there. I understand the gentleman is very jealous of the Watertown Arsenal investigation up in Massachusetts. Some of my friends have been assailed because they were from St. Louis and from Pittsburg and supposed to be influenced by interest. I must say to the gentleman from Massachusetts [Mr. McCALL] that we are not interfering with that little test plant up there at Watertown, which is equipped to test some small material that is provided to be tested for special uses and simply for the United States, and has nothing to do with this general provision.

Mr. McCALL. Mr. Chairman, I would say that the gentleman is simply attempting to divert the attention from the question which I put to him.

Mr. KEIFER. I answered the question.

Mr. McCALL. If he wishes to respond by saying that it relates to the Watertown Arsenal, that is all right, but it is not responsive.

Mr. KEIFER. The distinguished gentlemen who appear here as undertaking to overthrow the great Appropriations Committee put the appropriate language in this clause, providing for the continuation of the investigation of structural materials. I admit, Mr. Chairman, I was drawn aside in my answers by the great precedents that were cited by the chairman of the committee and by the gentleman from Iowa [Mr. SMITH], and by the attack on my friend from Missouri [Mr. BARTHOLDT] and my friend from Pittsburg [Mr. DALZELL].

Mr. SMITH of Iowa. I beg the gentleman's pardon. I did not attack anyone.

Mr. KEIFER. I thought you did.

Mr. CRUMPACKER. Mr. Chairman, I desire to ask the gentleman from Ohio [Mr. KEIFER] a question upon the provision contained in the last sundry civil bill for the continuation and completion. Is it not a custom or usage of the House and the Committee on Appropriations to employ the term "for completion" only where the limitation was fixed in the act authorizing the work?

Mr. KEIFER. Then they violate it in that case.

Mr. CRUMPACKER. I understand that the use of the term "completion" is authorized only where the authorizing act fixes the limitation, and that simply "for completion" does not in and of itself fix the limitation. It is what is termed a precatory provision, one expressing a hope and desire that it shall be, but does not in and of itself fix a limitation that is used where a limitation is already fixed by law as general appropriations are fixed.

The CHAIRMAN. The Chair is not disturbed by that proposition, he will say to the gentleman.

Mr. WEEKS. When the gentleman from Ohio spoke the first time and was asked a question by the Chair, he was discussing the merits of this question, it seems, rather than the point of order; but he did not answer the question of the Chair. Now, I understand this plant, which has been referred to as being in St. Louis, is not engaged in doing Government work. When this appropriation was first made, it was a small one—$7,500—made for the purpose of doing testing for private individuals. The appropriation has been continued three or four years, and now the Geological Survey asks that it be increased about seven times—to $50,000. No work has been done at St. Louis for the

Government. The testing has been entirely for the benefit of private parties. If a man has a clay bank or a stone quarry, he can take the clay or stone to this plant and the Government will do the testing for him, at no expense to himself.

Mr. BARTHOLDT. Will the gentleman permit an interruption?

Mr. WEEKS. I will.

Mr. BARTHOLDT. If this investigation can prove that a certain material is better adapted for construction purposes than another, is cheaper, more valuable, easy to operate, and if the Government of the United States should make use of that knowledge and in the erection of its public buildings should make use of that new material, does not the gentleman think that we are serving a public purpose, particularly in view of the fact that we construct about $20,000,000 worth of public buildings every year, and some plan might be devised by which we could save some money, and if we save only 10 per cent of this $20,000,000, there would be a saving of $2,000,000 in the buildings we are to authorize in the very near future, if our hopes be realized?

Mr. WEEKS. I will admit that there may be some materials tested which will be a public benefit; but failing to make this appropriation does not destroy that public purpose. There are other testing plants owned by the Government, and it is contrary to good public policy for the Government to maintain the same kind of operations under two Departments of the Government. The Government does not test its own material at St. Louis. If an individual has any kind of building material which he wants tested, he can send it to a Government plant which is now in operation, which is not being worked to its full capacity, and can have that test made at cost. It is not right that the Government should be asked to furnish money as well as machinery to do this testing. If it puts its plant at the disposal of corporations and individuals, they should at least pay the cost.

Now, as to the merits of the point of order. The law requires that this testing shall be completed in 1906. I believe the Committee on Appropriations had no authority to insert in the present bill that it was a continuation of any provision of any appropriation, for it is not authorized by any existing law.

The CHAIRMAN. The Chair will state that, in ruling on this proposition, the ruling is made regretfully. The Chair believes this to be a very meritorious measure, and one that ought to be enacted into law in order that it may be properly appropriated for. The Chair is constrained, however, to sustain the point of order on the legal question involved, for the following reasons: In the opinion of the Chair a good part of the difficulty has arisen because of a confusion of terms. The two terms "the United States" and the "national domain" have been greatly confused, in the opinion of the Chair, not only by the House but by the Department, and the Geological Survey itself in times past. If we read these lines carefully, we see here this language: "For the continuation of the investigation of structural materials of 'the United States.'" Now, what does that mean? Does that mean structural material belonging to the United States? In the opinion of the Chair it does mean that; and therefore can have reference only to the structural materials on the national domain, because they alone belong to the United States. But the construction that gentlemen who are the proponents of this proposition place upon it is, that it means all materials belonging to everybody in the United States, throughout the whole United States. Now the Chair desires to call attention to the fact that the gentleman from Ohio has said, that the gentleman from Illinois [Mr. MADDEN] has said, and that all the other gentlemen who have participated in the discussion have said, that this investigation does not have reference to the materials found upon the national domain alone, therefore owned by the United States, but that it does have reference to the material of private individuals anywhere in the United States. The Chair desires therefore to call attention to the organic act conferring power upon the Geological Survey and defining the authority of the Geological Surveyor. The Chair desires especially to call attention to these words, and wants the committee to hear:

> And that the Director and members of the Geological Survey shall have no personal or private interest in the lands or mineral wealth of the region under survey, and shall *execute* no *survey* or *examination* for *private parties or corporations.*

There is an express prohibition. And why was it put in there? Manifestly because under this original act the only materials of this kind that were to be investigated were the materials *of the United States*—that is, *belonging to* the United States. In other words, materials that were on the public domain or the national domain. Therefore when this organic act was passed, it said squarely that only those materials which *belonged to the United States* should be investigated; but not only that, but that no materials belonging to private individuals or to corporations should be investigated; an express prohibition, an express inhibition, and therefore, in the opinion of the Chair, the point of order would have to be sustained on that ground alone.

Mr. NORRIS rose.

The CHAIRMAN. Does the gentleman from Nebraska want to say something?

Mr. NORRIS. I was waiting for the Chair to finish.

The CHAIRMAN. In the further opinion of the Chair, this point of order should be sustained because it is not a public work in progress, as the Chair believes. The Chair believes it is not one of those fixed and definite objects that can be completed, but would go on forever without completion.

Stones, clays, cements, etc.

In that connection, the Chair might incidentally remark that cement is not a structural material of the United States, but is a compound, and the Chair thinks clearly that this would have reference only to those articles of building material, structural material, found in the earth. But be that as it may, the Chair is of the opinion that it is not one of those fixed and definite objects within the meaning of the law, within the meaning of our rules, that can be appropriated for.

Now, it is quite evident that Congress has not heretofore believed it to be one of those continuing objects, and it is quite evident that the gentlemen who propose this item do not believe it to be a continuing work in progress within the meaning of the law. Last year in the sundry civil appropriation bill this clause was embodied:

> For the continuation and completion on or before July 1, 1906.

Now, the Chair does not believe that that precludes another appropriation, but that it is simply descriptive of that act, and therefore the Chair calls attention to it only for this purpose, that Congress at that time probably thought it was a work which might be completed. But now gentlemen come up with the statement that it is not a work that can be completed for the $7,500 then asked for, but ask for a further appropriation of $50,000, showing conclusively, in the opinion of the Chair, that the gentlemen who framed this bill believed it was not a work which could be completed, but that it would go on indefinitely and with an increasing appropriation. Now, it was evidently the intention of the Congress that framed this law originally to have the structurals of the United States, or those mentioned in the succeeding paragraph, coal, and so forth, belonging to the United States, to be investigated, and not belonging to private individuals, because it says squarely in the organic act that no investigation or examination shall be made for private parties or corporations, evidently having in view that only those materials which belong to the United States should be investigated by the United States and at the expense of the United States. Therefore the Chair is clearly of the opinion that this is obnoxious to the rule; and, regardless of the merits of the proposition, the Chair is compelled to sustain the point of order.

Mr. NORRIS. Mr. Chairman, I offer the following amendment.

Mr. BARTHOLDT. Mr. Chairman, I respectfully appeal from the decision of the Chair.

The CHAIRMAN. The gentleman from Missouri appeals from the decision of the Chair.

Mr. DALZELL. Mr. Chairman, may I make a parliamentary inquiry first?

The CHAIRMAN. Certainly.

Mr. DALZELL. Am I right in concluding that the groundwork and foundation of the Chairman's ruling is that "national domain" and "public lands" are convertible terms under the act?

The CHAIRMAN. Oh, no; "national domain" and "public lands" are not convertible terms; but the Chair believes that the national domain has a well-defined meaning, and does not mean the whole United States. The gentleman from Pennsylvania yesterday argued that the "national domain" means the whole United States and all the States of the United States. The Chair has an entirely different opinion from that.

Mr. DALZELL. Because if that is so, then to hold the contrary means that the Geological Survey has no further functions and might as well be abolished.

The CHAIRMAN. The Chair is not responsible for the law.

Mr. DALZELL. It is only a question of order, and a question of this moment ought not to rest on the decision of a point of order.

The CHAIRMAN. The Chair is of the opinion that no Department of the Government ought to be permitted to encroach on the Treasury of the United States simply because it is of

the opinion that it ought to be done and is a meritorious work. Congress can pass a law authorizing these things expressly, and it is not for the Chair to pass on the merits of the controversy. The gentleman from Missouri has appealed from the decision of the Chair, and the question is——

Mr. WEEKS. Mr. Chairman, I would like to ask if the Chair did not recognize the gentleman from Nebraska [Mr. NORRIS] to offer an amendment, and, if he did, if the appeal is now in order?

The CHAIRMAN. The Chair would not seek to take an advantage of that character. The Chair wants to be fair about it, and the gentleman has the right to take the appeal. The question is, Shall the decision of the Chair stand as the decision of the committee?

The question was taken; and it was decided that the decision of the Chair should stand as the decision of the committee.

Mr. NORRIS. Mr. Chairman, I offer the following amendment.

Mr. GROSVENOR. A parliamentary question, Mr. Chairman.

The CHAIRMAN. The gentleman will state it.

Mr. GROSVENOR. This bill seems to have been reported by the Committee on Appropriations. That is the label on the bill; but I should like to have the Chair tell me, with nine-tenths of the brains and four-fifths of the voting power against all these propositions, how they got here. [Laughter.]

Mr. CRUMPACKER. Does the gentleman think this bill ought to have a guardian ad litem?

Mr. GROSVENOR. Yes; or else the committee had. [Laughter.]

The CHAIRMAN. The Chair would refer the gentleman from Ohio to the Committee on Appropriations or to its various members. The Clerk will report the amendment.

The Clerk read as follows:

Insert a new paragraph on page 77, after line 7, as follows:
"For the continuation of the investigation of structural materials belonging to the United States, such as stone, clays, cement, etc., under the supervision of the Director of the United States Geological Survey, to be immediately available, $100,000."

Mr. TAWNEY. Mr. Chairman, I make the point of order that that is the identical question that has just been ruled upon, and further that it is new legislation.

The CHAIRMAN. Does the gentleman desire to be heard?

Mr. NORRIS. Mr. Chairman, I would like to call the attention of the Chair to the fact that the amendment as offered is a reenactment of the provision that went out on a point of order, but it obviates at least one of the reasons that the Chair has given for sustaining the point of order to that provision. As I understand it, one reason given by the Chair—and it seems to me a good reason, one that appeals to me as being substantial—is that the organic act provided that these tests must be made on property belonging to the United States.

The amendment is so framed that it confines it entirely and exclusively to the materials which do belong to the United States, and would not be subject to the criticism that the Chair found existed against the paragraph as it is in the bill, and it obviates the provision in the organic act which provides that no survey or test shall be made for private parties. In other words, it confines the appropriation entirely to the property of the United States. I do not care to discuss the other proposition contained, because it has been fully discussed and the Chair has passed upon it; but at least this amendment obviates the main objection given by the Chair for the decision just rendered.

Mr. TAWNEY. Mr. Chairman, I do not care to be heard on the point of order.

The CHAIRMAN. As everyone who has kept pace with this legislation understands, there are several very fine distinctions constantly being raised by these points of order on these paragraphs. The Chair is of the opinion that the amendment offered by the gentleman from Nebraska is in order and not subject to a point of order. That paragraph reads as follows:

For the continuation of investigation of structural materials belonging to the United States—

Having reference to the materials on the national domain, which alone belongs to the United States, and therefore brings it within the act, in the opinion of the Chair. Further it says:

For the continuation of the investigation of structural materials belonging to the United States, such as stone, clays, cement, etc.

Heretofore the appropriation was for these materials of the United States. Now, the Chair does not know, as a matter of fact, but what there are in progress investigations and examinations of the structural materials on the public domain belonging to the United States, but taking into consideration what is meant now by the national domain, the public domain, the Chair is not inclined to hold that the structural materials to be investigated on the national domain are of such an extensive nature that it is not a work of progress to be completed within our rule.

Mr. MADDEN. Will the Chair be good enough to tell us what he holds the national domain to be?

The CHAIRMAN. The Chair has so often ruled on that proposition that he does not think it necessary to restate it at this time.

Mr. LITTAUER. Did not the Chairman in his decision cover the point that the appropriation of the current year was for the completion of this work?

Mr. GROSVENOR. Mr. Chairman, I just rose to ask that question.

Mr. LITTAUER. And that this is entirely new legislation and subject to a point of order?

The CHAIRMAN. No; the Chair thinks not, under the language of the new paragraph, for the continuation.

Mr. LITTAUER. Then I thoroughly misunderstood the Chair.

The CHAIRMAN. Does the gentleman from Ohio desire to be heard?

Mr. GROSVENOR. The Chair held distinctly that the law had operated and was at an end in its operation which authorized the investigation of this structural material.

The CHAIRMAN. The Chair did not intend to hold that proposition at all.

Mr. GROSVENOR. The Chair will find by reference to the Reporter's notes, I think, that he did hold it, I respectfully submit.

The CHAIRMAN. The Chair thinks not. He thinks the gentleman is in error. The Chair said squarely that the mere fact that the words "for completion of" were incorporated in the last act did not preclude the committee from making this appropriation, and that the words "for the continuation," etc., were merely descriptive of that act. The Chair thinks those were the words employed.

Mr. SMITH of Iowa. The Chair, as I understood him, if the Chair will pardon me, in his former ruling held that cement was not such a subject as could be investigated under the organic law. That item is in this amendment.

Mr. OLMSTED. No, no; I think not.

Mr. SMITH of Iowa. And then I desire to make this further suggestion to the Chair, if the Chair will pardon me: I readily see that gentlemen, anxious to have their materials tested at Government expense, will cheerfully present to the Government of the United States cement and steel, and the mere fact that this amendment provides for the examination of property belonging to the United States does not carry with it the thought that the property is the product of the national domain of the United States.

Mr. KEIFER. Does the gentleman appeal from the decision of the Chair?

Mr. SMITH of Iowa. Oh, I have asked politely the Chair's permission to offer these suggestions, and so long as the Chair does not object, I think the gentleman from Ohio might with great grace remain silent.

The CHAIRMAN. The Chair will state to the gentleman from Iowa [Mr. SMITH] that the Chair would be much better satisfied with the amendment from a legal standpoint if it contained the express prohibition, as the Chair suggested in the other ruling, that none of this investigation was to be conducted for the benefit of private individuals, yet the language of the present amendment is not such, the Chair thinks, as to enable him to decide that it is the intention to conduct these examinations for the benefit of private individuals or private corporations.

Mr. LITTAUER. Right on that point there, if this is a continuation of examinations that have been going on, the experiments have been going on have been on the property of private individuals.

The CHAIRMAN. The Chair stated squarely that, in his opinion, these investigations had not been exclusively for private individuals, but a portion of them may have been for the United States, and of materials belonging to the United States, on the public domain, and that therefore, so far as this amendment was concerned, it might relate to them—a continuation of the investigation of those particular items which had heretofore been investigated. Does the gentleman from New York catch the point?

Mr. LITTAUER. Yes.

The CHAIRMAN. The Chair overrules the point of order.

Mr. TAWNEY. Mr. Chairman, under the language of this amendment there can be no material tested except material taken from the public domain. I will ask the gentleman who introduced the amendment if that is not the fact? Is it not a fact that under your amendment there can be no investiga-

tion of any building material other than that taken from the public domain?

Mr. NORRIS. Well, belonging to the United States.

Mr. TAWNEY. Or belonging to the United States.

Mr. NORRIS. That is true. I take it, however, that the Government may own a good many things that were not taken from the public domain. It might buy certain things, for instance.

Mr. TAWNEY. Yes. Mr. Chairman, it may buy for its public buildings material that may be tested. That being the case, it is not necessary that this appropriation should be $50,000 more than was recommended by the committee in favor of the investigation of material of the United States and the investigation of material belonging to individuals and for the benefit of private corporations, such investigations as are now carried on. Now, why is it necessary to increase the amount which the Geological Survey has this year for this purpose, which is $7,500 to $100,000. The testimony before the committee showed conclusively that all of these tests, with the exception of the few that the Government would have made, of material to be used in the construction of public buildings, would be made of material belonging to individuals and corporations and for their benefit. So far as the material of the Government of the United States or that material which it uses in the construction of buildings is concerned, we have to-day at the Watertown Arsenal, Mass., and have had since 1888, a testing plant that has answered every purpose. Unlike the Geological Survey, the War Department can make tests for private individuals, and is to-day making tests for private individuals and for private corporations at a charge equal to the cost of making those tests. This the Geological Survey is expressly prohibited from doing, as stated by the chairman in his ruling a moment ago.

Mr. MANN. Will the gentleman yield?

Mr. TAWNEY. Certainly.

Mr. MANN. Does not the gentleman know also that the Bureau of Standards, created by the Government for the express purpose of ascertaining the standards of various things, is also engaged in testing the standard or strength of materials of the different departments of the Government, and is equipped for that purpose?

Mr. TAWNEY. I will say that I do know that, and I will state further that the Bureau of Standards is testing the material to-day that is going into the construction of the office building of the House of Representatives. Now, if this is to be a purely governmental testing plant for the purpose of testing and investigating the tensile strength of the structural material used by the Government of the United States in connection with its buildings, we have to-day two plants of that kind erected for that purpose, and which are being maintained and appropriated for annually and operated for that purpose.

Mr. MADDEN. Does not the gentleman know that the Agricultural Department is making tests in various kinds of lines, too?

Mr. TAWNEY. The Agricultural Department, I will say, is also engaged in making tests. The Bureau of Forestry in the Agricultural Department is making tests of building material such as I referred to. This idea of another testing plant originated in the Geological Survey, with the idea of grafting it upon the Geological Survey, thereby giving the Government three bureaus under which these tests can be made, and necessitating appropriations for the operation and maintenance of three plants for the doing of the same work. At the Watertown Arsenal, as I said before, tests are now made for individuals and corporations at their expense.

I am advised by the man in charge of the Watertown Arsenal that they have this year tested building material in sixteen of the States, and they have tested building material in forty-four of the States. They publish annually a book almost as thick as that, and almost that size [indicating], showing the official tests of structural material that are made by the testing machines in the Watertown Arsenal testing plant. I might say, also, that we have at the Watertown Arsenal the largest testing machine in the world. It is considered to be one of the most perfect testing machines. With it you can test the tensile strength of a shaft 6 inches in diameter and 10 feet in length, and this machine will also test the tensile strength of a horsehair, and accurately register the strength of each. That machine was purchased in 1888, at a cost of $250,000. They have also a laboratory in connection with that testing plant. They are thoroughly equipped for the testing of all building material, and for the last six years have been conducting tests of reenforced cement; and if any gentleman has read the testimony before the Committee on Appropriations on this subject he will see that the primary object for which this appropriation was desired by the Geological Survey was for the purpose of solving problems, as they said, with respect to the strength of reenforced cement. And the Watertown Arsenal is to-day conducting that same experiment, solving those same problems, and testing this same structural material. Mr. Chairman, what is the necessity of adding to another bureau of the Government, with all of the necessary machinery, including this board of scientific engineers of thirty-nine men, that I referred to yesterday? This board Mr. Holmes, of the Geological Survey, testified was created for the purpose of acting and consulting with the Geological Survey in the making of these tests, to be paid at the rate of $5 a day for actual services.

The CHAIRMAN. The time of the gentleman has expired.

Mr. GAINES of Tennessee. Mr. Chairman, I would like to inquire of the gentleman from Minnesota [Mr. TAWNEY], who has just taken his seat, how much we have appropriated for, say, several years back, for this purpose, and how much is carried in this bill?

Mr. TAWNEY. Fifteen thousand dollars is carried in this bill for the Watertown Arsenal testing plant, and the officer in charge of that testing plant says that it has a capacity for doing four times the amount of work they are doing now and that there are demands for the doing of that much work and that it could do it if the appropriation was large enough to enable them to do it.

Mr. GAINES of Tennessee. How much was carried in the last bill previous to this?

Mr. TAWNEY. Fifteen thousand dollars.

Mr. GAINES of Tennessee. How much in the year previous to that?

Mr. TAWNEY. Fifteen thousand dollars for a number of years back.

Mr. GAINES of Tennessee. How much is it proposed now to increase that?

Mr. TAWNEY. Not at all.

Mr. SMITH of Kentucky. I think the gentleman is mistaken in regard to that. It is proposed to increase that a hundred thousand dollars, is it not?

Mr. TAWNEY. No; they do not propose to increase this appropriation for the Watertown Arsenal at all, but they propose to appropriate $100,000 for the creation of a new testing plant, to be operated in conjunction with the Geological Survey, a wholly unnecessary expenditure. The only ground upon which you can justify the establishment of a testing plant by the Government is to test material consumed by the Government in the construction of public buildings and other public works. For this purpose we now have two testing plants—the Bureau of Standards and the testing plant at the Watertown Arsenal, in Massachusetts. The establishment of another in connection with the Geological Survey is absurd, unnecessary, and an extravagant expenditure of public money. The two testing plants we now have are fulfilling the only necessity the Government has for any plant of this kind. This amendment should, therefore, be defeated.

Mr. GAINES of Tennessee. To do the same kind of work that the Geological Survey is now doing? Let me understand the gentleman, please. I think I can catch what he says. The gentleman states propositions very clearly. We have appropriated $15,000 per year heretofore for carrying on this examination, and now you propose to appropriate more money for the same purpose, to create other establishments, to enlarge the work.

Mr. LITTAUER. One hundred thousand dollars.

Mr. TAWNEY. One hundred thousand dollars.

Mr. GAINES of Tennessee. Make a clear increase of $100,000 for this purpose?

Mr. TAWNEY. For the next fiscal year, to be increased hereafter as the Bureau and the testing plant grows; and under this provision, in order that a corporation or private parties that want their material tested may get that test made by the Government for nothing, the owner of the material would make a present of the material to the Government, and then the Government could test it, because it would then be the property of the Government, and by this subterfuge they would defeat the organic law creating the Geological Survey as well as this amendment, which prohibits them from making any tests of material except from the public domain or for individuals or corporations.

Mr. GAINES of Tennessee. Are they making tests for individuals?

Mr. TAWNEY They are.

Mr. GAINES of Tennessee. Is not that in disobedience of the law?

Mr. TAWNEY. Under the organic law they are expressly prohibited from making tests for private individuals or corporations.

Mr. GAINES of Tennessee. And if they are making them they are making them in disobedience to that law?

Mr. TAWNEY. They are testing material for coal companies, coking companies, and for structural material companies, for engineers and for architects. Now, the gentleman can draw his own conclusion.

Mr. GAINES of Tennessee. As I have always understood, the Government has had its own testing plant and experts in these matters. That is my information.

Mr. TAWNEY. I will read to the gentleman from the testimony taken before the committee. It appears on page 576:

The CHAIRMAN. Are the tests which they make sufficient to meet the requirements of the public in the localities in which these local buildings are being constructed?

Mr. HOLMES. The architects and engineers, Mr. Chairman, say they are not; and I may say, in part response to your remark, and to make clear what I want to say in explanation, that there has been appointed by the several engineer societies of the country during the past three years a standing committee to bring together the results of all tests which might be found satisfactory in giving correct information, which the architects and the builders in the country really need.

That committee has gone very carefully over the tests which have been made in one way or another in this country during the past twenty years; and they have come to the conclusion, as expressed by themselves, that hardly any of these tests have any value as giving specific information to the architect or the engineer which is of service to him to-day.

Then the chairman asked him:

Is it not a fact, Mr. Holmes, that the means of making these tests are well known to engineers, architects, and scientific men—that is, how to make the tests is known to all of you?

Mr. HOLMES. There is a good deal of difference of opinion, Mr. Chairman, about that.

I had the testimony marked in one place where they are making tests of coal for the benefit of the coking companies of Pennsylvania. The process is this: When there is a large building contemplated, the individual owner or corporation, when it is proposed to build that structure, calls upon these consulting engineers, one of whom appeared before the committee, for their opinion as to the best material to be used in the construction of that building. Before that material is accepted it must stand a certain test.

Mr. GAINES of Tennessee. Whose building is this you are talking about?

Mr. TAWNEY. A building that may be owned by a private individual or corporation.

Mr. GAINES of Tennessee. Who is paying this officer—the Government?

Mr. TAWNEY. The Government pays the man making the tests; the consulting engineers are paid by the owner of the building; but their opinion is based upon the results of the Government tests.

The CHAIRMAN. The time of the gentleman from Tennessee has expired.

Mr. GAINES of Tennessee. I ask for two minutes more; I want to get a little more light on this subject.

The CHAIRMAN. Is there objection? [After a pause.] The Chair hears none.

Mr. GAINES of Tennessee. Mr. Chairman, I am willing to help my fellow-men and countrymen wherever I can legally. I am glad to aid wherever we can aid. If Congress has the power to do this, the question is, Is it wise policy to do it? Now, I submit in all candor that the Government of the United States is going beyond the duties of the Government of the United States to the people of the United States when it takes the money out of the Treasury—tax money—and the Treasury is low enough in funds, and you know that we will need all that we have there, and take this money and go and examine the coal for a coal-mining company, and the clays for another company, and the steel material, and any other thing that a private concern or private individual is connected with and test that. I say the time has come when we ought to put a stop to it. Gentlemen, in all candor are we not going to such a point that the first thing we know we will employ some one to go down and try to teach somebody how to set a hen, and the kind of eggs to use, and directly will have somebody instructing us whether we should mark them in red ink or with charcoal and examine to see whether the chickens will be cross-eyed or not, and all sorts of things that ought not to be done by the Federal Government? I have no objection to the test of material being made where the Government wants to use it or to experiment for the public. I am not surprised that gentlemen, from that standpoint, are endeavoring to preserve the Treasury from profligacy when we have the great strain on it, such as the Panama Canal, rivers and harbors, and other things. An effort is now made to increase this appropriation, and I am satisfied is offered in perfectly good faith, but to help out some community or some individual. That, it seems to me, is unwise—the kindness and generosity of the Government run mad.

Mr. NORRIS. As far as the amount named in the amendment is concerned, it is possible that it ought to be changed. I confess that upon that particular point I have no objection, as far as the amount is concerned, to its being cut down to the amount originally named by the committee in the bill as reported here. But, in the first place, I want to disabuse the mind of my friend from Tennessee and the minds of all others who may think as he does that this appropriation is for the purpose of any particular set of men or for any particular locality. No appropriation that has been made in this Congress will more greatly redound to the benefit of the people of the entire country than will this appropriation, if this amendment is carried. It is a peculiar thing that the Committee on Appropriations of this House have become so wonderfully virtuous since reporting this bill. They themselves put into the bill an item of $50,000 for this purpose, which they have been instrumental in getting out on a point of order, and they are still trying to keep out an amendment that practically puts the paragraph back into the bill. If it is wrong now, it was wrong when the committee framed the bill and put this item in it. In my judgment, Mr. Chairman, the benefit that is to come to the country will be mainly from the tests made by the Government upon the building materials that it owns and that are found upon its lands. I want to pause right here to answer something that the chairman of the Committee on Appropriations referred to. He referred to a whole lot of different departments that he desired us to believe were making tests along the same line. It is true they are making tests. The Agricultural Department is making tests in forestry, and we want them to keep on making tests. He gave the impression, when the gentleman from Tennessee asked about experiment stations, that the investigation and experiments contemplated by my amendment were amply provided for by the appropriation for tests at Watertown, when, as a matter of fact, the $15,000 item for tests at Watertown is something absolutely independent of this particular provision, and on a different page in the bill, having nothing to do with this any more than the flowers that bloom in the springtime.

Mr. GAINES of Tennessee. What does your amendment propose to do?

Mr. NORRIS. My amendment practically puts back lines 9, 10, 11, and 12, of page 77, of the bill.

Mr. GAINES of Tennessee. What are the words?

Mr. NORRIS (reading):

For the continuation of the investigation of structural materials belonging to the United States, such as stone, clays, cement, etc., under the supervision of the Director of the United States Geological Survey, to be immediately available, $100,000.

Mr. GAINES of Tennessee. Will the gentleman indulge me a minute?

Mr. NORRIS. Yes.

Mr. GAINES of Tennessee. Is that to investigate public property belonging to the United States Government?

Mr. NORRIS. Certainly.

Mr. GAINES of Tennessee. And for the United States Government?

Mr. NORRIS. Owned by the United States Government.

Mr. GAINES of Tennessee. And for the Government of the United States?

Mr. NORRIS. For the Government of the United States, and incidentally for everybody in the United States.

Mr. GAINES of Tennessee. The gentleman from Minnesota [Mr. TAWNEY] says we have plenty of money to do that. Now, why do you ask for more?

Mr. NORRIS. As I said, I have no objection to putting it back to $50,000, but the gentleman from Minnesota does not want anything. He wants to take it all out.

Mr. GAINES of Tennessee. I did not so understand the gentleman.

Mr. NORRIS. I put in a hundred thousand dollars, because the committee, it seemed to me, were unjustly cutting down a whole lot of items for the work of the Geological Survey, and I made it large enough. I have no objection to its being put back to $50,000.

Mr. GAINES of Tennessee. Will the gentleman allow me to ask him another question?

Mr. NORRIS. Not in my time. I do not care to do that.

Mr. GAINES of Tennessee. Go ahead.

Mr. NORRIS. Now, Mr. Chairman, one of the principal things coming out of this investigation, and that has already come, is the advancement of knowledge with reference to build-

ing materials—cement, perhaps, more than any other. Lumber is high and has been getting higher all the time. Men are seeking all over the country for some other material to take its place in building, and recent investigations by private parties, and also by the Government, have developed the fact that there are wonderful possibilities in different materials, such as cements and kindred things, and the result is that on account of the investigation and the publicity given to the subject we will have something to take the place of the more expensive materials in building and other branches of industry. I had my attention called to a new material just the other day. The Department is experimenting with it and it promises to equal cement and is much cheaper. This Department is making it easier and cheaper for our people to build houses, and——

The CHAIRMAN. The time of the gentleman has expired.

Mr. NORRIS. I ask for about three minutes more.

Mr. TAWNEY. Mr. Chairman, I shall have to object to further extensions of time, because we want to get through with the bill.

Mr. NORRIS. All right.

Mr. KEIFER. Mr. Chairman, I would not take the floor again to support my Committee on Appropriations but for some criticisms that have been made in the iregular discussions that have been going on in the last few days against certain public officers—the Director of the Survey, and also a very distinguished professor, who the chairman of the Committee on Appropriations thinks ought to have been asleep on duty instead of being actively interested in the business that they are officially chosen to carry on. All the criticisms on the Director of the Survey have been mere criticisms on his enthusiasm to do and vigorously prosecute the work that he has been selected to do; and there has been no criticism that he neglected his duty in any respect. The same may be said of the criticisms of the chairman of the committee of Professor Holmes, who, I believe, is engaged mainly in the investigation of structural materials and fuel. He wanted the country to understand the great importance of the work he was engaged in, and he has made the country, I hope, understand it, as well as Members of Congress. He had a perfect right to answer letters from the gentleman's district from distinguished educators there. I protest against gentlemen coming on the floor of the House and assailing a man, or an official, who can not open his voice in his defense.

Mr. TAWNEY. Does the gentleman from Ohio justify the action of Professor Holmes in emasculating a letter of mine?

Mr. KEIFER. That is an issue I do not propose to take up between the gentlemen.

Mr. DALZELL. I propose later on to say something on that subject. Professor Holmes denies that he did any such thing, and I have a letter from him on that subject, and I have also had a conversation with him.

Mr. TAWNEY. I haven't any doubt that the gentleman has a letter from him.

Mr. DALZELL. I advise the gentleman to go carefully on that question. I shall have something to say about it later on.

Mr. KEIFER. Mr. Chairman, I do not enter into that controversy. It is not necessary for me to do that.

Mr. SMITH of Kentucky. Mr. Chairman, I make the point of order that the Holmes matter has nothing to do with this amendment.

Mr. KEIFER. That is all right; Professor Holmes was assaulted yesterday when he had no opportunity to answer, and I think I may properly offer a word in his defense. Now, there was a great deal said by the chairman about having a plant in Watertown, Mass., that was doing this very same work. I say to the committee that the plant at Watertown has no duty at all connected with the work of investigating structural materials or fuel, and it is so provided in this very bill, in which we make an appropriation of only $15,000 to continue the plant. It is stated in this bill precisely what may be done at Watertown, and it will be seen that there is nothing required to be there done that we are now trying to provide for. Let me read the clause of the bill that relates to it.

Testing machines, Watertown Arsenal: For the necessary professional and skilled labor, purchase of materials, tools, and appliances for operating the testing machines, for investigative test and tests of United States material for constructions, and for instruments and materials for operating the chemical laboratory in connection therewith, and for maintenance of the establishment, $15,000.

Now, the test thus provided is limited to "United States material for construction," and has nothing to do with the general testing of structural materials belonging to the United States which is for the general benefit of the whole country. But gentlemen say that this testing of material is an expensive thing. In my opinion, if we pass a public-building bill in a day or two, as we are likely to, where we are going to appropriate $10,000,000, or more, if we put in this appropriation, and the tests are faithfully made, as they certainly will be, we will save ten times over the amount of the appropriation now proposed in the construction of the public buildings we will authorize to be erected all over the country.

Mr. BARTHOLDT. Mr. Chairman, I move to strike out the last word.

Mr. TAWNEY. Mr. Chairman, I move that all debate close in five minutes.

The CHAIRMAN. The gentleman from Minnesota moves that all debate on the pending paragraph and amendment close in five minutes.

The question was taken; and the motion was agreed to.

Mr. BARTHOLDT. Mr. Chairman, a petition was presented here a little while ago from the Chamber of Commerce of Pittsburg, in which they ask for the removal of this testing plant from the city of St. Louis to Pittsburg. That desire on their part is laudable. I have no doubt there are a large number of other cities that would like to have this plant. But the plant is now at the city of St. Louis, the buildings have been turned over to the Government, the machinery has been provided, and I hope if this item is approved by the committee such action will be construed to mean that the intention of the lawmakers is that the plant is to remain where it is now, namely, in the city of St. Louis.

But, aside from that, Mr. Chairman, I desire to call the attention of the committee to the fact that this investigation is not being carried on for the purpose of developing any private property, as might be inferred from what has been said here. The investigation is carried on only to settle certain fundamental questions as to the relative merits of stone, brick, concrete, and other structural materials, and the use in the investigations of any special granite or limestone is incidental to the general purposes of the investigation. The question is as to what type of material and in what form these materials can be used to the best advantage and most economically by the Government. Through my connection with the Committee on Public Buildings and Grounds, I have become convinced, not only of the absolute necessity of continuing these investigations, but also of their great benefit to the people and to the country, and particularly to the Government itself. As has been stated by the gentleman from Ohio [Mr. KEIFER], if, under this present building bill which we are soon going to pass here, the better material should be used which has already been discovered for use in constructing buildings, we will save nearly $2,000,000—ten or twenty times the amount which this investigation costs—and since the total expenditure of the Government for public buildings and public works of all kinds is about two hundred millions in ten years, the members of the committee can themselves figure out how much saving this investigation will effect to the pockets of the taxpayers of the country. I hope that not only this item of $50,000 will be voted, but that the amendment of the gentleman from Nebraska [Mr. NORRIS], asking for an increase to $100,000, may be voted by this committee.

Mr. GAINES of Tennessee. Mr. Chairman, will the gentleman yield to an inquiry?

Mr. BARTHOLDT. Yes.

Mr. GAINES of Tennessee. Will the distinguished chairman of the Committee on Public Buildings and Grounds tell us how much the Government of the United States expends annually in structural material in public buildings?

Mr. BARTHOLDT. How much the total is?

Mr. GAINES of Tennessee. Yes; for the material.

Mr. BARTHOLDT. I have a list here which shows that the total expenditures of the Government of the United States for public buildings of all kinds under the War and Navy, Treasury, and all other Departments of the Government was two hundred and two millions during the last decade. It is to be presumed that that amount will be largely increased during the next decade.

Mr. GAINES of Tennessee. Will the gentleman tell the committee how the increase in this appropriation is going to lessen the cost of that material? What has the examination about structural material to do with the cost of the material?

Mr. BARTHOLDT. Mr. Chairman, in answer to the gentleman's question, I will say that as a result of these investigations the cost of construction has already been lessened to the Government by the use of certain materials heretofore unknown, and I want to call the further attention of the committee to the fact that all other countries—all other civilized countries—carry on investigations of this kind, and it is time for the United States to follow suit and do the same, in order that better and cheaper building material may be used in the future.

The CHAIRMAN. The time of the gentleman has expired.

Mr. BARTHOLDT. Mr. Chairman, I ask unanimous consent to extend my remarks in the RECORD.

The CHAIRMAN. The gentleman from Missouri asks unanimous consent to extend his remarks in the RECORD. Is there objection?

There was no objection.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Nebraska, which, without objection, the Clerk will again report.

There was no objection; and the Clerk again reported the amendment.

The question was taken; and on a division (demanded by Mr. NORRIS) there were—ayes 36, noes 32.

Mr. TAWNEY. Mr. Chairman, I demand tellers.

Tellers were ordered; and the Chair appointed the gentleman from Minnesota, Mr. TAWNEY, and the gentleman from Nebraska, Mr. NORRIS, as tellers.

The House again divided; and the tellers reported—ayes 46, noes 36.

So the amendment was agreed to.

Mr. SMITH of Iowa. Mr. Chairman, I now move to strike out $100,000 and insert in lieu thereof $50,000, which the gentleman from Nebraska says he has no objection to.

Mr. KEIFER. Mr. Chairman, I make the point of order that that is not in order.

Mr. SMITH of Iowa. The amendment has been adopted and before the paragraph is passed I move to amend it.

Mr. KEIFER. Oh, but it is passed.

The CHAIRMAN. It seems to the Chair that the amendment having been adopted by the committee it is not now subject to amendment.

The Clerk read as follows:

For the continuation of the analyzing and testing of the coals, lignites, and other fuel substances of the United States, in order to determine their fuel values, and so forth, under the supervision of the Director of the United States Geological Survey, to be immediately available, $100,000.

Mr. LITTAUER. Mr. Chairman, I make the point of order against this paragraph. I contend that this paragraph is obnoxious primarily because it does not provide for matters which come properly within the scope of the Geological Survey, which by statutory provision is confined entirely to the examination of geological structures and mineral resources of the public domain, while this paragraph permits, and in fact has in the past, been applied almost entirely to analyzing and testing coals and lignites furnished by private individuals. Secondly, I contend that it is obnoxious to the rule of the House in that it is a change of existing law. The existing law covered by the item in the current appropriation bill is for the continuation and "completion at St. Louis, Mo., on or before July 1, 1906."

It is a change of existing law, in that these words are omitted from this paragraph in the bill under consideration. The current law makes it mandatory that the work be carried on at St. Louis, while the paragraph under consideration omits that mandatory requirement, and consequently permits the work to be carried on elsewhere or anywhere, thereby changing existing law. It is not in continuation of a public work which has been specifically provided for. It is not a public work in continuation in the ordinary acceptation of this term, but was specifically appropriated for continuation and completion at St. Louis, Mo., before July 1, 1906, as I have heretofore stated.

Mr. BROOKS of Colorado. Mr. Chairman, in reply to the point of order, I beg to submit with reference to this paragraph the same objection does not obtain which obtained as to the foregoing paragraph; that this refers plainly to the fuels, coals, and lignites that are the property of the United States.

Mr. LITTAUER. Mr. Chairman, can I ask the gentleman a question?

The CHAIRMAN. Does the gentleman yield?

Mr. BROOKS of Colorado. Yes.

Mr. LITTAUER. Under the operation of the law which is now current, does the gentleman mean to say that the coals and lignites examined are only such as are the property of the United States?

Mr. BROOKS of Colorado. I say that, speaking to the amendment and the record as it stands, the plain and obvious construction of the language is that it is the coals, lignites, and fuels of the United States—that is, belonging to the United States.

The CHAIRMAN. Will the gentleman from Colorado inform the Chair whether there is any difference, so far as the language of the statutes is concerned, between this paragraph and the preceding paragraph as printed in the bill?

Mr. BROOKS of Colorado. I think not. But, if the Chair please, it seems to me that if this were a piece of absolutely new legislation, if the paragraph had never appeared in any appropriation bill, it still would be obviously in order under the general organic act establishing the Geological Survey, which is meant purely for the development, for the examination, for the inspection and the classification of the mineral resources. I do not care to argue the point. I wanted simply to submit the proposition.

The CHAIRMAN. The present occupant of the chair is unable to differentiate between this paragraph and the preceding paragraph which was ruled out on the point of order. Therefore the Chair sustains the point of order.

Mr. BROOKS of Colorado. Mr. Chairman, I offer the following substitute.

The CHAIRMAN. The gentleman from Colorado offers an amendment, which the Clerk will report.

The Clerk read as follows:

On page 77, line 12, after the word "dollars," insert the following as a new paragraph:

"For the continuation of the analyzing and testing of the coals, lignites, and other minerals and fuel substances belonging to the United States, in order to determine their fuel value, and so forth, under the supervision of the Director of the United States Geological Survey, to be immediately available, $100,000."

Mr. SMITH of Iowa. Mr. Chairman, I raise the point of order. I do not desire to argue it except to call attention to the fact that these tests are not covered by the resolution of 1882, which was relied upon as sustaining a similar one with reference to the testing of structural material.

The CHAIRMAN. The resolution of 1882 was not relied upon. The question was ruled out as not being continuing law. It has not anything to do with it.

Mr. BROOKS of Colorado. As I understand the ruling of the Chair on a previous paragraph, the point was that the organic act of the survey limited operation to the property of the United States, and the amendment offered is clearly in line.

The CHAIRMAN. The organic act, which has already been referred to and quoted, provides for the examination of the geological structure and mineral resources and products of the national domain. It seems to the present occupant of the chair that that language is broad enough to cover fuel substances belonging to the United States. The Chair therefore overrules the point of order.

Mr. DALZELL. Mr. Chairman, I move to amend by striking out "$100,000" and inserting "$250,000."

Mr. BROOKS of Colorado. Mr. Chairman, I accept the amendment.

The CHAIRMAN. The gentleman from Pennsylvania [Mr. DALZELL] offers an amendment to the amendment offered by the gentleman from Colorado [Mr. BROOKS], which the Clerk will report.

The Clerk read as follows:

Strike out "one hundred" and insert "two hundred and fifty;" so as to read "$250,000."

Mr. SMITH of Kentucky. Mr. Chairman, I did not understand that to be the amendment of the gentleman from Pennsylvania. I understood the gentleman to offer to make this $150,000.

Mr. DALZELL. Two hundred and fifty thousand dollars. I do not propose to occupy any time further than to say that last year's appropriation was $202,000, and the estimate, as furnished by the Geological Survey to the Appropriations Committee, called for $250,000. And the testimony given before the committee satisfies my mind that a very good reason was shown here, if we are to continue these tests and continue the force we have, and do efficient and economic work, it is necessary to have this amount of money.

Mr. LITTAUER. Will the gentleman point out where in the testimony is the part to which he refers?

Mr. DALZELL. I can not take this volume and pick out here and there.

Mr. SMITH of Iowa. The record shows, Mr. Chairman, that the total appropriation for this purpose at the St. Louis Exposition, to which the establishment of this testing plant was an adjunct, was $95,000. Last year, by assurance to the committee that this testing would be completed within twelve months, an increase was obtained from $95,000 to $202,000. At the end of the year, in place of reporting that they have completed these tests, as they had assured the committee they would, they demand $250,000 for the next fiscal year, or an amount far in excess of what they have asked for in the past. I want to say that whatever differences of opinion may have existed in the subcommittee in preparing this bill, as to the wisdom of continuing these tests that subcommittee was unanimous in the opinion that if this was to be a permanent affair, $100,000 was an abundance and all that under the circumstances ought to be given. This proposition is to-day making this practically a per-

manent branch of the public service, with a larger appropriation by nearly 25 per cent than was asked for it when that service was to be completed within twelve months. I certainly hope this House will not establish a precedent of giving $250,000 every year for the testing of fuels alone.

Mr. BROOKS of Colorado. I think, Mr. Chairman, that the gentleman from Minnesota himself has given the reason and the purpose for which the increased appropriation was asked, and that very little need be said. It is true that when this work began it began, as many other governmental operations begin, in a rather small way; but it very soon appeared from these experiments and particularly the experiments in briquetting and in rendering available the lower grades of fuel substances that they were of very great value to all the people of the United States, and they were of exceptionally great value to the Government of the United States itself as owning the large public domain in which these fuel reserves are located. So, very properly, and very aptly, last year the Geological Survey asked for a larger appropriation of $202,000; and they come back this year and make an explanation of the needs of the work and ask for $250,000. Now, this sum is a bagatelle. It is too small to be put into comparison with the immense importance of the work in the development of our fuel resources.

Mr. Chairman, in a single locality, and in a very small locality comparatively, the added value to the fuel resources of the United States resulting from making available previously unavailable lignites is many times the amount carried in this appropriation. There are thousands of miles, and I speak advisedly, under which there are low grades of lignites of hardly any value at the present time, but which, if the investigations——

Mr. LITTLEFIELD. Will the gentleman permit me to ask him what particular location is it where there is such an immense amount of value that has been developed as the result of these investigations and tests? Where is it located, and what is the amount?

Mr. BROOKS of Colorado. I did not say that at all. I said in very many sections throughout the country there are large quantities of very poor lignites which these experiments are showing to be available for fuel.

Mr. LITTLEFIELD. I beg the gentleman's pardon. He said that there were locations where these experiments had already developed thousands and thousands of dollars of value. I would like to know what in and where.

Mr. BROOKS of Colorado. I do not think the gentleman followed my feeble remarks.

Mr. LITTLEFIELD. I thought they were not feeble, but vigorous.

Mr. BROOKS of Colorado. What I meant to say was that these experiments are proving very valuable in demonstrating the adaptability of very low-grade coals to fuel purposes.

Mr. LITTLEFIELD. Can you point me any specific instance of that? What is the specific instance where the test was had? What are they; what have they developed; how much value, and in what place?

Mr. BROOKS of Colorado. I have not the figures; but it has been very great.

Mr. LITTLEFIELD. Give the place.

Mr. BROOKS of Colorado. If the gentleman will kindly allow me to explain, I will state to the gentleman that these low grades of coal, and sometimes even coal dust, can be briquetted at very small cost, so that they can be used and have a value for steam engines, coal for locomotives and furnaces, and very many other purposes where higher grades of coal heretofore have been used; and if the gentleman from Maine cares to go to the Geological Survey he can see the briquets and also the dust and the disintegrated coal from which the briquets are made.

Mr. LITTLEFIELD. Will the gentleman please state the place?

Mr. BROOKS of Colorado. I can not yield further; I have only a few moments.

Mr. LITTLEFIELD. Well, the gentleman has not yet stated the place where there has been this development.

Mr. BROOKS of Colorado. These low-grade coals exist in very large areas in several States of the West. They exist in Texas, in Kansas——

The CHAIRMAN. The time of the gentleman has expired.

Mr. LITTLEFIELD. I ask that the time of the gentleman be extended five minutes.

Mr. BROOKS of Colorado. I do not want to use so much; I would just like to finish this sentence. These areas exist in Kansas, in Iowa, in Texas, and in Colorado, in addition to very large areas of higher grade and more valuable coals; and the same processes apply to coal dust from the harder coals of Pennsylvania and the Allegheny Mountains.

Mr. CAMPBELL of Kansas. Was the time of the gentleman from Colorado extended five minutes?

The CHAIRMAN. It was not.

Mr. CAMPBELL of Kansas. I was hoping that it was. I wanted to ask him a question.

The CHAIRMAN. Does the gentleman ask to have it extended?

Mr. CAMPBELL of Kansas. I do.

The CHAIRMAN. The gentleman from Kansas asks unanimous consent that the time of the gentleman from Colorado be extended five minutes. Is there objection?

There was no objection.

Mr. CAMPBELL of Kansas. The gentleman from Colorado mentions Kansas as one of the places that has been benefited by these investigations. May I suggest to the gentleman that the Department for which this appropriation is now being made failed to discover a coke-bearing coal in Kansas, failed to find that the Kansas coal would make coke at all, and published to the world that the bituminous coals of that State would not make coke, in face of the fact that there is a large coking establishment in the State making coke there within that coal field, and in the face of the fact that the Department was offered coal from that district out of which to make tests at St. Louis?

Mr. LITTLEFIELD. Does the gentleman mean that they would not make them?

Mr. CAMPBELL of Kansas. I mean that they refused a carload of Coke from Cokedale.

Mr. BROOKS of Colorado. I did not yield for a speech. I do not know but there may have been a specific instance where these experiments were unsuccessful, but I do know that over very large areas they have been successful, and I am glad that the gentleman called my attention to the matter of coke, because there are many coals which were supposed to be noncoking which these experiments have proved to be coking coals, and if any gentleman is curious, Mr. Walcott will show him examples of the supposed noncoking coals which he has successfully treated and shown to be coking.

Mr. CAMPBELL of Kansas. But in this instance——

The CHAIRMAN. Does the gentleman from Colorado yield to the gentleman from Kansas?

Mr. BROOKS of Colorado. I yield to the gentleman from Kansas.

Mr. CAMPBELL of Kansas. In this instance we were making coke in large quantities, and the Geological Survey said our coal was not a coking coal.

Mr. BROOKS of Colorado. I do not know anything about that specific instance, but for the purposes of the record I will admit all that the gentleman says.

Mr. LITTLEFIELD. Will the gentleman allow me to ask him a question?

The CHAIRMAN. Does the gentleman from Colorado yield to the gentleman from Maine?

Mr. BROOKS of Colorado. Yes.

Mr. LITTLEFIELD. I do not ask the question for the purpose of embarrassing the gentleman from Colorado, as I hope he understands.

Mr. BROOKS of Colorado. Certainly.

Mr. LITTLEFIELD. I want to get information of a detailed character in regard to the question. I am entirely uninformed about it. Is there any particular place where the Geological Survey have made practical tests and investigations and produced tangible, valuable results; and if so, where, so that we can get some notion of it?

Mr. BROOKS of Colorado. I shall be very glad to answer that question to the best of my ability.

Mr. DALZELL. May I call attention to just one item?

Mr. LITTLEFIELD. I shall be glad to get information from anywhere.

Mr. DALZELL. I call the gentleman's attention to the testimony of Mr. Holmes, who says:

> The result of our investigation shows that less than nine-tenths of a pound of coal was required to develop 1 horsepower for an hour, whereas for the new battle ship *New Jersey*, recently tried and about to be accepted, the best that could be done with marine steam boilers was the production of 1 horsepower with 2.2 pounds of coal.

Now, there is a result that may be estimated in dollars and cents.

Mr. LITTLEFIELD. That is one specific instance. Now, are there any others? I want to get information of what they are doing.

Mr. BROOKS of Colorado. In Colorado there are great deposits of lignite coal of varying quality, some very good, some

not so good, and some poor. Mr. Wolcott told me he had experimented with the coals from some of those poorer mines, where when the veins come to the top of the ground they are very shaley, and sometimes almost disintegrated, and found that he could make an excellent coal briquet from them, and he showed me the briquets which he said came from there. Of course that appealed to me at the time. I did not expect to speak upon this question when I came a little while ago, but I remember that specific instance. And in the same conversation and more than once he has mentioned to me half a dozen other places in the United States where similarly important results have been reached.

[The time of Mr. BROOKS of Colorado having expired, by unanimous consent it was extended one minute.]

Mr. BROOKS of Colorado. He cited numerous instances where the bituminous coal dust of Pennsylvania and of the Allegheny Mountains could be rendered available in the same way. He mentioned, also, the coals of Missouri. These experiments have only just started, and therefore it is natural that complete results in many instances have not yet been attained.

Mr. LITTLEFIELD. May I inquire this?

Mr. DIXON of Montana. Mr. Chairman——

Mr. BROOKS of Colorado. I yield to the gentleman from Montana.

Mr. DIXON of Montana. Mr. Chairman, I want to say to the gentleman from Maine——

The CHAIRMAN. The time of the gentleman from Colorado has expired.

Mr. MONDELL. Mr. Chairman, had the item remained in the bill in its original form, I should have supported the committee as against any demand for an increase, believing that this work could be continued advantageously with an annual appropriation of $100,000. But, Mr. Chairman, the item has been amended and now relates only to coals belonging to the Government, coals on the public land, and as this seems to be the only way to secure any appropriation I shall support the amendment. I think it is not generally understood—and I would like to have the attention of the gentleman from Maine—how very extensive are the deposits of bituminous, anthracite, and semianthracite, and lignite coals on the public lands. In my own State there are about 30,000 square miles, nearly one-third of our entire territory, underlaid with lignite and semi-bituminous coal.

In New Mexico there are several million acres underlaid with the best qualities of bituminous, anthracite, and semianthracite coal. In the Dakotas, in Montana, in Washington, in Oregon and elsewhere on the public lands there are very large areas of coal. In other words, the Government has to-day many millions of acres of coal lands.

Mr. DALZELL. Forty-five million acres.

Mr. MONDELL. The gentleman from Pennsylvania says 45,000,000 acres, and I think that is a conservative estimate. There may not be that many acres underlaid with valuable coal, but certainly on the entire public domain there is that amount of land underlaid with coal of some character.

Mr. LITTLEFIELD. Do I understand that the appropriation is confined to the development of coal owned by the Government?

Mr. MONDELL. Yes; as I understand the amendment, the appropriation will be confined to coal in which the Government is interested, and largely the coals upon the public land.

Mr. LITTLEFIELD. So the appropriation is not to be used for the purpose of developing private property?

Mr. MONDELL. It would have been used for the purpose of developing generally the coal and coal values of the country except for the point of order made against the original item of appropriation.

Mr. LITTLEFIELD. But under existing conditions it is simply Government property that it applies to?

Mr. MONDELL. Yes; I think so. Now, Mr. Chairman, this land is for sale by the Government at $20 an acre. The Government owns hundreds of millions of dollars' worth of coal lands. These lands, some of them, contain coal which is not of a high grade in its natural state, and some of the investigations of great value which have been made have been along the line of briquetting lignites and testing the use of lignites in locomotives and elsewhere under forced draft. A few years ago it was not thought that the lighter lignite coals could be used for locomotive purposes. The large per cent of water and volatile gases in these coals seemed to render them useless for locomotives, owing to the forced draft. Some years ago experiments were made with a view of utilizing lignites for locomotive purposes. One of the results is that in my own State mines, which a few years ago could only market their coal for stationary engines and domestic purposes, are now finding a good market on the railroads. The coals are being used successfully for locomotives, with the result that the Government has sold hundreds of acres of coal lands which otherwise it would not have sold. Such investigations and experiments as this have been and can be carried on under this appropriation. It has made possible the development of industries that could not otherwise have been developed. The question of briquetting coal, lignites, the waste of anthracite and bituminous coals, is a most important one. Up to the time that these investigations were undertaken we knew little in this country of the possibility of utilizing these fuels which generally go to waste. Valuable work has been done along these lines. It has been proven that many lignites can be successfully briquetted, and at a reasonable cost, a cost so low as to make them commercially valuable. They have proven that lignites, heretofore held of trifling value, can be made valuable by being utilized in gas-producing engines. It has been demonstrated that the waste of bituminous coal can be briquetted, and they desire to further investigate to learn whether the briquettes of lignite coals, made without a binder, can be waterproofed. This investigation has been exceedingly valuable in the examination of the coals of practically every section of the country.

I am surprised to hear the gentleman from Kansas [Mr. CAMPBELL] say that the gentleman in charge of this work refused to take coal from Kansas, because my experience is that they have sent notices out all over the country, have asked people to send coal, have sent men to the mines to superintend the loading of coal on the cars in order that they might examine a fair sample of the mine.

Mr. CAMPBELL of Kansas. Mr. Chairman, it is only fair that I state that we have a coal district that runs diagonally across the southeast corner of the State. One of the coal companies that was a subsidiary company of a railway that ran into St. Louis turned a carload of coal over to this department for tests as to its coke-bearing qualities. Everyone in the coal district knew that the coal from that section of the field was not a coke-bearing coal. The coke-bearing coal is in the southeast portion of the field, and they were offered a carload of coal from there, which they never used. They did make an official report, in which they declared that the field did not contain coke-bearing coal, whereas there is a large coke establishment in the field.

Mr. MONDELL. Mr. Chairman, I have no doubt that the coal that was tested from that field would not coke. They made such a report with regard to a particular field in my State, and I want to say to the gentleman that that report was valuable because it saved intending investors a considerable amount of money and led them to look for a market for that coal in another direction.

Mr. CAMPBELL of Kansas. It was unfair to that whole field to publish that it did not contain a coal that would make coke.

The CHAIRMAN. The time of the gentleman has expired.

Mr. SLAYDEN. Mr. Chairman, in response to the question of the gentleman from Maine [Mr. LITTLEFIELD] as to the manner and where values have been shown to exist where values were not suspected or known before, I desire to submit the case of the augmented value and importance of the Texas lignite beds. As I said yesterday in the House when it was in a state of great confusion and when probably he and no one else heard what I said, we have no important coal deposits in the State of Texas. We have no high-grade coal so far discovered in that State. We do have vast deposits of lignites, or unmatured coal. Experiments made at St. Louis by the Geological Survey have shown that by the conversion of that lignite into gas, which is not an expensive process, and by the use of it in gas engines, which probably cost no more to install originally than coal-consuming engines, steam can be generated as cheaply as by the use of West Virginia and Pennsylvania coal. Now, that is of vast importance in a State like Texas, which is inadequately supplied with coal, and what is true of Texas is true of a great part of the West.

With reference to the observation made by the gentleman from Kansas [Mr. CAMPBELL], I have made inquiry and my information is that the report of the survey on the coal from Kansas was to the effect that it did not make satisfactory blast-furnace coke. That was in their report, I am informed. They do make coke in the vicinity of Pittsburg, Kans., which is entirely satisfactory for the smelting of zinc, the purpose to which it is mainly devoted, I believe, but it is not satisfactory for blast-furnace work. Mr. Chairman, I believe that the experiments conducted at St. Louis in the coal testing have added enough value to the lignite beds in two or three States in the West to justify the cost of the Geological Survey from the moment of its foundation down to the present time, and I do believe, and

I state this from observation, and close observation at that, of the plant in St. Louis, that there is no branch of the service which has been of so much practical, commercial benefit to the country at large as the coal testing, and I sincerely hope that the House will not only permit those tests to go on, but that it will extend the experiments whenever it may be necessary to make a showing of the latent business resources of the country.

Mr. TAWNEY. Mr. Chairman, I want to say a word in opposition to the amendment offered by the gentleman from Pennsylvania, increasing this appropriation from $100,000 to $250,000. This debate has served to illustrate the extent to which the Federal Government is asked to go in the matter of the expenditure of public money for the benefit and to promote the interests of private enterprise. The vote will no doubt show the power of private enterprise in the matter of controlling sufficient votes on both sides of the House to obtain any appropriation deemed necessary to enable the Government to do certain work these enterprises should do. The coal tests that have been conducted under the appropriations heretofore made, as testified to by Members of this House representing coal districts, have been tests of coal produced by private corporations and for the purpose of determining for their benefit the heat units or the relative units of heat which different coals produced by different producers contain. I want to ask gentleman of this House what governmental function is performed by the ascertainment of the relative heat units of coal produced by this man from this mine or of coal produced by another man from a different mine. When the gentleman in charge of these tests was before the committee one of the chief reasons he advanced for the $250,000 appropriation was the fact that these investigations were developing the utility of the by-products of coal. He also said that the results of these tests would materially enhance the profits of the coking companies of the United States.

Mr. Chairman, if we are going into the business of developing the relative values of natural products produced by different corporations, or into the business at the Government expense of investigating the by-products of great corporations in order to show how their profits may be increased by the utilization of these by-products, then, I submit, you can appropriate money for any purpose in the interest of any individual or in the interest of any corporation. When we once commence upon this plan of governmental development of private enterprise there is no point at which we can stop. The committee felt that in appropriating or recommending $100,000 for this purpose we were doing all that could be reasonably asked for the development of the coal deposits and the intrinsic value of the coal on the public domain. We did it in the hope that the investigation that was now going on might be completed during the next fiscal year in so far as the Government itself was interested in developing the fuel resources of the public domain. We did not intend that a dollar of that amount should be expended for the testing of coal at Government expense for private parties.

Mr. ADAMS. Mr. Chairman, if it is not a proper function of government to authorize some bureau or department to make scientific investigations to determine the value of coal, why is an appropriation made at all?

Mr. TAWNEY. Mr. Chairman, the gentleman evidently did not hear my statement. I don't think there ought to be any appropriation, but the majority of the Committee on Appropriations did not agree with me, and I agreed to stand by the $100,000 in favor of which the committee reported in the belief that that amount would be expended in determining the value of the coal and lignite that has been discovered on the public lands of the United States, which is the public domain, and that to that extent and to that extent alone could we justify the appropriation. Mr. Chairman, I know the tendency of the times is toward government aid to private enterprise. But it is wrong. It should be stopped. It is demoralizing the individual citizen and pauperizing the States. [Applause.]

Mr. Chairman, if my time is about to expire, I ask for five minutes more.

The CHAIRMAN. The gentleman from Minnesota asks unanimous consent for five minutes more. Is there objection?

There was no objection.

Mr. TAWNEY. If you can justify the expenditure of this appropriation for the purpose of determining the value of coal mines, then you can justify the expenditure of the public money for the investigation of gold mines and silver mines. There is no distinction between the investigation and the development of a gold mine and a coal mine. And I repeat that it is not part of the business of this Government to engage in private enterprise. It is the duty of the Government, State and national, to govern and to allow the people under that government the opportunity of developing the resources of the nation. Beyond this the Government can not legitimately go. [Applause.]

Mr. DIXON of Montana. Mr. Chairman, in reply to an inquiry made by the gentleman from Maine a few minutes ago as to a specific case where this appropriation has resulted in the development of the coal fields of this country, I want to make a statement to this committee which I do not believe that many of the Members know at this time. As has been stated by my friend from Wyoming [Mr. MONDELL], in enumerating the great and vast fields of lignite in the western part of this country, the Director of the Geological Survey reports about 145,000 square miles of lignite. At the present time it is practically valueless. The Government yet owns 70,000 square miles of these lignite coal fields, that with the present treatment of the lignite coals renders them practically useless for commercial purposes. Under this appropriation heretofore made, I now state to the gentleman from Maine that during the investigation in St. Louis the Geological Survey did determine this one thing, that by taking the lignite coal, which at present is of no value or of little value, they have invented, I might say, an engine for driving the gas from the coal and using the gas directly in a gas engine. From these experiments they have determined that this use of the gas direct from the lignite coal produces two and one-half times the power that the best bituminous coal does in the old-fashioned way of making steam under a steam engine. They have determined that this great 150,000 square miles of lignite coal is equally as valuable for power purposes as the best coals in western Virginia or western Pennsylvania. This is one thing these gentlemen have performed with the bagatelle that has been appropriated here for the past three years. [Applause.]

Mr. TAWNEY. I move that the debate close on this amendment.

Mr. GROSVENOR rose.

Mr. TAWNEY. How much time does the gentleman from Ohio desire?

Mr. GROSVENOR. I would not want to belittle myself by speaking less than ten minutes. [Laughter.]

Mr. TAWNEY. I move that the debate close in ten minutes, and that the time be allowed to the gentleman from Ohio.

The CHAIRMAN. The gentleman can not make that motion.

Mr. BROOKS of Colorado. I will ask the gentleman from Minnesota——

Mr. TAWNEY. We will have to close the debate on this.

Mr. BROOKS of Colorado. As a substitute to the motion of the gentleman from Minnesota, Mr. Chairman, I move that the debate on the pending paragraph be closed in twenty-five minutes.

The CHAIRMAN. The gentleman from Colorado moves to amend the motion of the gentleman from Minnesota by inserting "twenty-five minutes" in place of "ten minutes;" so that the debate will close in twenty-five minutes. The question is on the amendment.

The question was taken; and the Chair announced that the noes seemed to have it.

Mr. BROOKS of Colorado. Division, Mr. Chairman.

The House divided; and there were—ayes 34, noes 50.

So the amendment was rejected.

The CHAIRMAN. The question recurs on the motion of the gentleman from Minnesota to close the debate upon this paragraph and amendments thereto in ten minutes.

The question was taken; and the motion was agreed to.

Mr. GROSVENOR. Mr. Chairman, I will only use five minutes. It is my opinion that the distinguished chairman of the Committee on Appropriations is mistaken in his estimate of the public importance of the investigation provided for in the amendment offered by the gentleman from Pennsylvania. I would not advocate this proposition if I thought that the benefit, in a whole or in a majority, to go from it was to go to private individuals or private corporations.

I represent a district in which upward of 40 per cent of the good grade of coal production of Ohio is mined. It is a coal and of a condition that needs no aid from the Government. All the tests necessary for the establishment of the character of what is called the Hocking and Sunday Creek coal have already been established, and I have no interest in this resolution. But, Mr. Chairman, the question of the coal supply of the United States is a very grave and serious one. So much so that I learn with great interest the fact that it is proposed very shortly, as appears by the newspaper press—I have not time to have it read—that it is the purpose of the Government, the Executive Department, to ask legislation at the hands of Congress during this Congress to prevent the acquisition of the title to any of the 40,000,000 acres of coal and oil lands now belonging to the Government of the United States by private

parties for the purpose of holding on to, in the interest of the public, all the remaining deposits of coal.

Not many years ago, Mr. Chairman, within the memory of the gentleman from Minnesota, we had a condition in regard to the production of coal in the United States that was extremely suggestive to the people of the United States. The fathering of one of the great developments of anthracite by a great combination of operators, precipitating a strike among the producers of the coal in the other deposits of the country which brought to the mind of the people of this country that there could not be too much coal and that there could not be too great an understanding of the character of the coal.

Why, Mr. Chairman, the Government of the United States has tested over and over again—that is, often—the character of the coal deposits. It was the Government of the United States that made known to the owners of merchant ships—the few that we have—the character of what is called "Pocahontas coal;" and it has come about that every trial of every war ship of the United States and every great merchant ship is carried on specifically under the provision that the test shall be made by Pocahontas coal or its equivalent.

Mr. TAWNEY. Will the gentleman permit me to interrupt him?

Mr. GROSVENOR. Certainly.

Mr. TAWNEY. Are you aware of the fact that the Navy made these tests, and that the Navy has a coal-testing plant, and wherever there is new coal discovered anywhere in the world samples of those coals are submitted to the Navy and the Navy makes the test; and they made the test that developed the value of Pocahontas coal?

Mr. GROSVENOR. I know that, and have had occasion, growing out of my interest in a discovery in my own district long ago, and a discovery made by some young men in West Virginia in whom I felt an interest, to know that the Navy Department had made the test that the gentleman has spoken of. But at the same time, in connection with this mutilated department, that we are apparently assailing from every direction, and which I hope will be either redeemed from the operations of the Committee on Appropriations or abolished, I think that this extensive and widely disseminated interest can be better looked after than it can be in the Navy Department.

Mr. TAWNEY. Will the gentleman pardon me again?

Mr. GROSVENOR. Yes.

Mr. TAWNEY. Does he not think this is simply a duplication of service in respect to the testing of coal in the United States?

Mr. GROSVENOR. Now, if the gentleman while at the head of this committee, and I trust that he may be for a long time—several Congresses—will get rid of duplication in all Departments with as much vigor as he is trying to get rid of it in this, I will say "amen" to his efforts.

The CHAIRMAN. The question is on the amendment to the amendment.

The question was taken; and the Chairman announced that the ayes appeared to have it.

Mr. TAWNEY. Division, Mr. Chairman.

The committee divided; and there were—ayes 57, noes 44.

Mr. TAWNEY. Tellers, Mr. Chairman.

Tellers were ordered.

Mr. TAWNEY. May I ask unanimous consent that the amendment be again reported, so that Members may know what they are voting on?

The CHAIRMAN. Without objection, the amendment will be again reported.

The amendment to the amendment was again reported.

The CHAIRMAN. The gentleman from Minnesota [Mr. TAWNEY] and the gentleman from Pennsylvania [Mr. DALZELL] will take their places as tellers.

The committee again divided; and tellers reported—ayes 83, noes 45.

So the amendment to the amendment was agreed to.

The CHAIRMAN. The question now is on the amendment as amended. The Clerk will report the amendment as amended.

The amendment as amended was read.

The CHAIRMAN. The question is on the amendment as amended.

The question was taken; and the amendment as amended was agreed to.

The Clerk read as follows:

For continuation of the survey of the public lands that have been or may hereafter be designated as forest reserves, $100,000, to be immediately available.

Mr. GILLETT of California. Mr. Chairman, I offer the amendment which I send to the Clerk's desk.

The CHAIRMAN. The gentleman from California offers an amendment, which the Clerk will report.

The Clerk read as follows:

On page 77, in line 21, strike out "one hundred" and insert in lieu thereof "one hundred and thirty."

The CHAIRMAN. The question is on the amendment.

Mr. GILLETT of California. Mr. Chairman, I present this amendment because I believe that it is necessary that the large area now included in our forest reserves should be surveyed as quickly as possible, to enable the Agricultural Department properly to handle it and to protect the interests of the people living in the immediate vicinity of these forest reserves.

At the present time our forest reserves embrace about 100,000,000 acres of land. Of this amount, about 44,000,000 acres have been mapped and surveyed. Within the last year we added about 36,000 square miles of territory—timbered land—to our forest reserves, and we have surveyed only about 7,824 square miles. At the present time there is a demand upon the Geological Survey for a survey of over 3,000 additional square miles. Now, if we are to realize anything out of the forest reserves by the sale of the timber or by the leasing of the land for grazing purposes, it is very important that the boundaries should be marked. At present these boundaries are uncertain. A great many of the lines run through the mountains, where the surveys are very incomplete, and it is the purpose of the Government so to mark the boundary lines that people can readily know where they are and whether or not they are trespassing upon the public lands. Now, upon these forest reserves there are supervisors and rangers, placed there by the Government for the purpose of protecting the lands from trespassers and those going upon them for grazing or for timber, and unless these boundaries are well fixed and plain there will be endless trouble, and perhaps people who go there innocently may be arrested.

I had some conversation with the head of the Bureau of Forestry in relation to this matter. I did so because I am much interested, and the people whom I represent are interested in this question. Nearly one-half the territory embraced in my Congressional district lies within forest reserves. I wanted to know just exactly the reason of the Department why they wanted this survey made quickly and without any unnecessary delay. At my request, Mr. Pinchot, of the Bureau of Forestry, made this statement, which I will read for the benefit of the Members of this House:

Decrease in the special fund appropriated for the mapping of forest reserves would have harmful results not only in still further delaying the mapping of reserves, but also in applying to reserve maps the scale of approximately one-half inch to the mile used by the Survey in its regular topographic work. A map of this small scale is of little use in the administration of forest reserves except for general reconnoissance purposes. A scale of at least 1 inch to the mile is usually required, while in many reserves where active work in timber sales and in forest planting is going on a scale of at least 2 inches to the mile is necessary.

To sum up, the fund hitherto appropriated for reserve mapping is already too small to provide promptly maps urgently needed for the development of the reserves. To reduce it still further would be to tie up the resources of the reserves correspondingly, for maps are absolutely essential to the development of these resources. Without them, in most cases development can not even begin. To take money from the fund for mapping the forest reserves would be to reduce the actual income from forest reserves by many times that amount. Without forest maps the reserves can not be made self-supporting.

[The time of Mr. GILLETT of California having expired, by unanimous consent it was extended three minutes.]

Mr. GILLETT of California. Now, Mr. Chairman, I desire to say that the appropriation made last year was for $130,000. I see no reason why the same appropriation should not be made for the coming year. The work is of vast importance. Large tracts of land have been segregated from the public domain, and it is necessary that we should know just exactly where we are. It is of importance that the boundary line should be run, and the Department having this work in charge insists that it shall be done as quickly as possible. It seems to me to be asking but little to increase the amount to what it was a year ago. I therefore ask the House to adopt this amendment to give to the Geological Survey the same amount of money appropriated last year, because it is necessary.

Mr. SMITH of Iowa. Mr. Chairman, I want to say a very few words in opposition to this amendment. The forest reserves of the United States constitute one-twentieth part of the total area of the United States. In other words, the other portion of the United States is nineteen times as large in area as the forest reserves.

The House has now fixed the appropriation for all the rest of the United States at $350,000 for the next year, and if we should give exactly the same proportion for the area of the forest reserves they would be entitled to $18,400. But the committee did not feel that it was possible to thus radically reduce this item so as to proceed regularly and uniformly with the forest reserves and the property outside of the forest reserves. We

have given the forest reserves in this bill five times as much, relatively, as is given to any other place in the United States, even by the amount fixed by the House increasing the appropriation fixed by the committee. Unless the House wants to carry on the work more than five times as fast as it is possible to carry it on by the appropriation fixed by the House in the topographical survey for the rest of the United States, this amendment ought not to pass.

Mr. TAWNEY. Mr. Chairman, I move that all debate on this paragraph and amendments thereto be closed in eight minutes.

The CHAIRMAN. The gentleman moves that all debate on this paragraph and amendments thereto be closed in eight minutes.

The question was taken; and the motion was agreed to.

Mr. MONDELL. Mr. Chairman, I come from a region of country where we have large areas within forest reserves. I appreciate the value, the importance, and the necessity of these surveys within forest reserves. I think they should be prosecuted diligently, continuously to a conclusion, but I am of the opinion that the amount carried in the bill is sufficient to carry on the work as rapidly as it is necessary to carry it on in the interest of the public service, in the interest of the Government and of the people. It should be remembered that these surveys are topographical in their nature. The rectangular surveys within the forest reserves are made by the General Land Office, and when settlers go upon forest reserves and settle, and there is a necessity of surveying out the lands held by them, that work is executed by the General Land Office, under an appropriation of $400,000 for surveying the public lands.

Considerably less than one-half of the area now within the forest reserves has been surveyed. About 7,000 acres were surveyed last year under the appropriation of $130,000. In all probability about that area or a little less could be surveyed with the appropriation carried in the bill, and at that rate in about seven or eight years at the most we would have all the present forest reserve area surveyed and completely mapped with the appropriation as it now stands. In my opinion it is better to proceed steadily and continuously with this work, rather than attempt a large increase for a year or two and then possibly have a considerable reduction. The work can be done to the best advantage with an organization kept at about the same size all the time. My experience is that a largely increased appropriation forced from Congress is likely to be followed by a reduction below what the service actually requires. Therefore I am of the opinion that the amount should not be increased.

I want to call attention to the fact that it is quite possible to travel too fast in carrying out one of the purposes of this survey, and I think some work has been done in that line which might better have been somewhat delayed. This item is not only for survey of the lands within forest reserves, but of the boundaries of the forest reserves also. The boundaries of most of the forest reserves of the country are constantly being changed by the addition or elimination of territory. It will be many years before the proper boundaries of many of the forest reserves are definitely and finally settled. Until there is a definite and final settlement of the proper boundaries of forest reserves the boundaries should not be definitely surveyed and permanently monumented.

I know of one locality where the boundaries of a forest reserve were surveyed at considerable expense and where what was once the boundary is now public land for some distance, and at another part of the line the present is some distance beyond the former and marked boundary and does not indicate the present boundary of the reserve at all. This condition is very confusing, both to settlers and to the forestry service. That survey should have been delayed until the boundaries of the forest reserve were finally and definitely settled. That can only occur after careful investigation, after settlements have extended to the boundaries, and the proper limits of the reserve have been fixed, both in the interest of the people of the region and of the service.

Mr. GILLETT of California. Does the gentleman know how far the settlements extend to the boundaries of the public lands now set aside in California and Oregon?

Mr. MONDELL. The gentleman from Wyoming does not pretend to know what the boundaries of the forest reserves in California are, and neither does anyone else, I presume, know them all.

Mr. GILLETT of California. I want to say that that is just what we want to do, we want them pointed out so that a man need not be arrested for trespassing upon them.

Mr. MONDELL. I can not yield any further, because my time is limited. The ordinary blazing and marking of the boundaries, the ordinary marking of forest reserves to indicate the boundaries, so that settlers and stock growers may know where they are, this can, and is, done by the forestry guards, by the rangers, and can be done without an expensive, permanent survey and monumenting, which is proper and valuable when the reserves are finally and definitely defined. I doubt if there is a forest reserve in the United States to-day the boundaries of which will not be changed very considerably. There may be places where the time has now arrived——

Mr. GILLETT of California. Mr. Chairman——

The CHAIRMAN. Does the gentleman yield?

Mr. MONDELL. I can not yield now.

The CHAIRMAN. The gentleman declines to yield.

Mr. GILLETT of California. Then, Mr. Chairman, I desire to make a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. GILLETT of California. Having offered this amendment, I want to know if I am not entitled to close the debate.

The CHAIRMAN. Not under the limitation imposed by the committee. The committee, by vote, has fixed the time for closing debate.

Mr. MONDELL. Mr. Chairman, I do not want to be misunderstood. I am not criticising what has been done further than to point out the fact, known to every man who lives in the public-lands States, that the boundaries of forest reserves are being constantly and necessarily changed, and that therefore this expensive, final, definite surveying and monumenting of boundaries should be done only when there is little probability that the boundary will be changed. The marking of the boundary by tree blazing or otherwise, so that people in the locality may be informed, can be done by any forest guard who is worth his salt.

The CHAIRMAN. The time of the gentleman has expired.

Mr. GILLETT of California rose.

The CHAIRMAN. The gentleman is recognized for three minutes.

Mr. TAWNEY. Mr. Chairman, I understood the gentleman from Wyoming to have the floor.

Mr. LITTLEFIELD. Has not the Chair already recognized the gentleman from California for three minutes.

Mr. TAWNEY. I thought the gentleman from Wyoming had consumed the eight minutes of time.

Mr. MONDELL. I understood that I was recognized for eight minutes, but I have no desire to go on.

The CHAIRMAN. The Chair had no power to recognize the gentleman for eight minutes, because we are working under the five-minute rule. The gentleman, under that rule, was recognized for five minutes. His time has expired. The Chair so stated to him, and thereupon the gentleman from California was recognized for the remaining three minutes.

Mr. GILLETT of California. Mr. Chairman, it is well known that a person who goes upon public land and trespasses there and removes timber from it has committed a crime. It is very important that the people who are settling the country and developing it should have some knowledge of where the boundaries run, so that they shall not lay themselves liable to arrest and prosecution by the Government. It will take from eight to ten years to make the necessary surveys, even if we appropriate $130,000 a year. It seems to me that this is a very small amount of money. We ought to make the survey as quickly as possible. It is very important to all concerned that the boundaries should be established.

Mr. TAWNEY. Will the gentleman permit an inquiry? When these forest reserves are created by proclamation of the President, are not their boundaries fixed—not the exact boundaries, but their general boundaries—and can anybody make an entry on public land in the Land Office within the forest reserves and within that boundary?

Mr. GILLETT of California. I want to state this, that when our surveys were made through the mountains they were very imperfectly made. No man can go there to-day and find where the survey was made. They were in some instances fraudulently made. Under an act that passed the House the other day, people have a right to go on the forest reserves and take up homesteads where the land is agricultural. They have a right to know where the boundaries are. They have a right to locate and to settle there, and they have the right to be protected when they go there. It is the duty of the Government to fix the boundaries so that we shall know what our rights are and what our property is, so that we shall not be liable to arrest every time we turn around by some supervisor or some ranger. I suppose if this bill provided for the fixing of boundaries for the coal lands in Wyoming the gentleman from Wyoming [Mr. MONDELL] would vote for $200,000 instead of $100,000. The law-abiding people of the country want to know where the boundaries are. The law-breaking people of the country

don't care to know where they are. Our people are law-abiding, and they want the Government to fix the boundaries so that we can know where our property is located and can know where we may go without trespassing.

The CHAIRMAN. The question is on the amendment of the gentleman from California.

The question was taken; and on a division (demanded by Mr. TAWNEY) there were—ayes 29, noes 45.

Mr. GILLETT of California. Mr. Chairman, I demand tellers.

The CHAIRMAN. The gentleman from California demands tellers. As many as are in favor of tellers will rise and remain standing until counted. [After counting.] Fifteen gentlemen have arisen, not a sufficient number, and tellers are denied.

The Clerk read as follows:

Hereafter, in the settlement of the accounts of deceased officers or enlisted men of the Army, where the amount due the decedent's estate is less than $500 and no demand is presented by a duly appointed legal representative of the estate, the accounting officers may allow the amount found due to the decedent's widow or legal heirs in the following order of precedence: First, to the widow; second, if decedent left no widow, or the widow be dead at time of settlement, then to the children or their issue, per stirpes; third, if no widow or descendants, then to the father and mother in equal parts, provided the father has not abandoned the support of his family, in which case to the mother alone; fourth, if either the father or mother be dead, then to the one surviving; fifth, if there be no widow, child, father, or mother at the date of settlement, then to the brothers and sisters and children of deceased brothers and sisters, per stirpes: *Provided*, That this act shall not be so construed as to prevent payment from the amount due the decedent's estate of funeral expenses, provided a claim therefor is presented by the person or persons who actually paid the same before settlement by the accounting officers.

Mr. SLAYDEN. Mr. Chairman, reserving the point of order, I would like to inquire the purpose of that legislation. It seems to be new. I refer to the item on page 136 about the settlement of accounts of deceased soldiers.

Mr. TAWNEY. I will say to the gentleman that that provision is in accordance with the practice to-day, which practice has existed for a long time, but under the present Auditor for the War Department, there being no statutory authorization for the distribution of this money as it is now distributed where the amount is less than $500, he declines to make the distribution and insists that he is right. I personally think he is. This provision is merely to legalize the present practice.

Mr. SLAYDEN. It legalizes the present practice?

Mr. TAWNEY. Yes.

Mr. SLAYDEN. Then I withdraw the point of order.

The Clerk read as follows:

For erection of court-house, with fireproof vaults, at Fairbanks, Alaska, to replace the one destroyed by fire.

Mr. TAWNEY. Mr. Chairman, I offer the following amendment.

The Clerk read as follows:

On page 139, line 14, after the word "fire," insert the words "fifteen thousand dollars."

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Minnesota.

The question was taken; and the amendment was agreed to.

MESSAGE FROM THE SENATE.

The committee informally rose; and Mr. GROSVENOR having taken the chair as Speaker pro tempore, a message from the Senate, by Mr. PARKINSON, its reading clerk, announced that the Senate had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 19432) to authorize additional aids to navigation in the Light-House Establishment.

The message also announced that the Senate had passed bills of the following titles; in which the concurrence of the House of Representatives was requested:

S. 6443. An act authorizing and directing the Secretary of the Interior to sell to the city of Los Angeles, Cal., and granting rights in, over, and through the Sierra Forest Reserve, the Santa Barbara Forest Reserve, and the San Gabriel Timber Land Reserve, California, to the city of Los Angeles, Cal.;

S. 6462. An act granting lands to the State of Wisconsin for forestry purposes;

S. 6301. An act granting an increase of pension to William C. Long; and

S. 4899. An act granting an increase of pension to Ann Thompson.

The message also announced that the Senate had passed without amendment bills of the following titles:

H. R. 19816. An act to authorize the Georgia, Florida and Alabama Railway Company to construct three railroad bridges across the Chattahoochee River, one at or near the city of Eufaula, Ala., and two between said city of Eufaula and the city of Columbus, Ga.;

H. R. 19815. An act to authorize the Georgia, Florida and Alabama Railway Company to construct a bridge across the Chattahoochee River between Columbus, Ga., and Franklin, Ga.;

H. R. 16125. An act authorizing a license and permit to the Corinth and Shiloh Electric Railway Company to construct a track or tracks through the Shiloh National Park, and to operate electric cars thereon; and

H. R. 10106. An act providing for the setting aside for governmental purposes of certain ground in Hilo, Hawaii.

The message also announced that the Senate had passed the following resolution; in which the concurrence of the House of Representatives was requested:

Resolved by the Senate (the House of Representatives concurring), That the President be requested to return the bill (S. 1510) entitled "An act granting an increase of pension to Byron K. May."

SUNDRY CIVIL APPROPRIATION BILL.

The committee resumed its session.

The Clerk read as follows:

Defense of suits before Spanish Treaty Claims Commission: For salaries and expenses in defense of claims before the Spanish Treaty Claims Commission, including salaries of Assistant Attorney-General in charge as fixed by law, and of assistant attorneys and necessary employees in Washington, D. C., or elsewhere, to be selected and their compensation fixed by the Attorney-General, to be expended under his direction, so much of the provisions of the act of March 2, 1901, providing for the Spanish Treaty Claims Commission, as are in conflict herewith notwithstanding, $92,000, of which not exceeding $200 may be expended for law books and books of reference.

Mr. PERKINS. Mr. Chairman, I wish to raise a point of order to this section. As I understand—and if I am wrong in this, I will be corrected by the committee—this provision authorizes the expenditure of this money in a way that is not now authorized by law, because it expressly says that this is to be expended, so much of the provisions of the law of March 2, 1901, as are in conflict therewith notwithstanding. In other words, it does change those provisions.

Now, Mr. Chairman, the reason that I wish to make this point of order is not that I am so very anxious about the manner in which this money should be expended, but it does seem to me that the long continuance of great expense for the Spanish Treaty Claims Commission should in some way be stopped. If it can be stopped by a point of order, I would be glad to assist in stopping it in that way. I do not know how far the members of the Appropriations Committee have jurisdiction over the amount to be allowed and how far these items may be fixed by express law, but I apprehend that to some extent these allowances are not made in conformity with the provisions of the statute law, but are allowances made for the purpose which, it seems to me, should be in some way stopped.

Mr. SULLIVAN of Massachusetts. Mr. Chairman, I think I can explain in a word.

Mr. PERKINS. I shall be glad to hear any explanation.

Mr. SULLIVAN of Massachusetts. I think the gentleman from New York is in error. The act of March 2, 1901, established the Commission, and in that act the permanent specific appropriation of $50,000 was made which goes on automatically from year to year. The appropriation bills since 1901 have carried, under the title "Defense of suits before the Spanish Treaty Claims Commission," an amount additional to the $50,000 permanently appropriated. That $50,000 goes on, as I have said, automatically from year to year, and this language is employed in this act in order that it might not be construed to cut out the $50,000 which is permanently appropriated. To make that more clear, the $50,000 goes on from year to year, and, in addition, this $112,000 is granted for the purpose of defending the suits before the Spanish Treaty Claims Commission.

Mr. PERKINS. Under what authority?

Mr. SULLIVAN of Massachusetts. Under the authority of the statute.

Mr. PERKINS. I do not see, Mr. Chairman, that the gentleman has replied to the point of order. The Spanish Commission, of course, has been created by law, and still continues to exist, until such time, which I hope will not be long, as it may be abolished. That appropriation, of course, is authorized by law, but the gentleman has referred to no provision of law which authorizes the appropriation of $92,000 to be expended by counsel or other officers in the defense of suits before that Commission. The Commission must act automatically, as he says. The Government must pay the $50,000 due the Commission, but that does not authorize the Appropriations Committee or this body to appropriate for an expense, to be incurred in the hearings before that Commission, of $92,000, or any other sum of money. We must pay for the Commission, but we are not bound to appropriate, and there is no provision of law that requires us to appropriate for the expense of the hearings before

the Commission. We can leave them there in their own dignity, paid, but not acting.

Mr. SULLIVAN of Massachusetts. Mr. Chairman, I thought I made it clear, but it seems I have not. The act of 1901 established this Commission, and in that act provision was made for the defense of these claims. In that act they were to be under charge of the Attorney-General, who was authorized to appoint his force for the purpose of defending the claims before the Spanish Treaty Claims Commission. Therefore there is authority of law for the defense of these claims in the organic act. Now, it was thought when the act was passed $50,000 would be a sufficient appropriation. Later it was discovered that, owing to the expense of taking testimony in Cuba, much more would be needed, and hence this $112,000 was appropriated subsequently from year to year.

Mr. CAMPBELL of Kansas rose.

The CHAIRMAN. Does the gentleman from New York yield to the gentleman from Kansas?

Mr. PERKINS. I do.

Mr. CAMPBELL of Kansas. One hundred and twelve thousand dollars is appropriated for preparing defense to suits that are being prosecuted. Is that correct?

Mr. SULLIVAN of Massachusetts. That is correct.

Mr. CAMPBELL of Kansas. Are there any suits being prosecuted at this time?

Mr. SULLIVAN of Massachusetts. Yes; there are now, according to the last report of the Commission, some 321 cases pending before the Commission.

Mr. CAMPBELL of Kansas. But is it not a fact that these cases have been on the docket or have been filed for some years, and that there is no one now pressing them, and the Commission is practically without anything to do?

Mr. SULLIVAN of Massachusetts. That is hardly germane to the point we are now discussing, but I will say to the gentleman it is my judgment that——

Mr. CAMPBELL of Kansas. I thought it was germane to the extent of $112,000.

Mr. SULLIVAN of Massachusetts (continuing). The Commission, in my judgment, might very well be abolished, and I have introduced a bill for that purpose. But, as a member of the Committee on Appropriations, I felt obliged to vote for this appropriation, because if the Commission is abolished by this Congress on September 2, 1906, as my bill provides, the appropriation, at all events, should be made, in order to enable them to continue their work until that time. If Congress should abolish the Commission, the unused portion of that appropriation would be covered back into the Treasury. If it does not abolish the Commission, the appropriation will be needed.

Mr. CAMPBELL of Kansas. The gentleman says "continue their work." Will he specify any work they are doing?

Mr. SULLIVAN of Massachusetts. It would not take long to tell how much they are doing.

Mr. SMITH of Iowa. Mr. Chairman, I do not wish to discuss the point of order, because there may be a line or two in this language that is subject to the point of order. I do want to appeal to the gentleman from New York [Mr. PERKINS] to withhold this point of order. This bill as passed carries with it $50,000 a year. This pays the judges, if I may style them such, the commissioners, the clerks, or the functionaries, in this quasi-judicial tribunal, or perhaps this fully judicial tribunal.

Mr. SULLIVAN of Massachusetts. Is the gentleman thinking of the $50,000 now?

Mr. SMITH of Iowa. Yes.

Mr. SULLIVAN of Massachusetts. Then that is correct.

Mr. SMITH of Iowa. Now the proposition is, with this Commission continuing in existence and drawing $50,000 a year in salaries for themselves and their subordinates, to strike out all appropriations for the Government counsel. This is to absolutely insure that during the fiscal year these Commissioners and their subordinates shall continue to draw their salaries from the Federal Treasury, and that nothing whatever shall be done in their court.

Mr. CAMPBELL of Kansas. Was it not kept in that way for the last three or four years?

Mr. SMITH of Iowa. I will say, in answer to the gentleman, that I think he is very far from correct.

Mr. CAMPBELL of Kansas. Is it not true that they have not tried a single case on its merits?

Mr. SMITH of Iowa. That is not correct.

Mr. CAMPBELL of Kansas. Is it not true that all the cases disposed of before that Commission have gone out through motion or demurrer?

Mr. SMITH of Iowa. That is not correct. But even if it were correct——

Mr. CAMPBELL of Kansas. The information contained in the hearings is not very accurate if that is not correct.

Mr. SMITH of Iowa. About the time of the hearings, to my knowledge, an inquiry started on which I think the arguments alone consumed something like two weeks. I am stating from memory as to the time.

Mr. CAMPBELL of Kansas. But, as a matter of fact, no case has been tried on its merits in that court?

Mr. SMITH of Iowa. If I may be permitted to suggest——

Mr. CAMPBELL of Kansas. Is that a fact?

Mr. SMITH of Iowa. No; I think that is not true, but that nine-tenths have been disposed of on their merits.

Mr. SULLIVAN of Massachusetts. The gentleman is in error in that. Fully nine-tenths of the cases have been disposed of on demurrer and motions to dismiss or for lack of prosecution. Certainly not more than 10 per cent have been disposed of upon the merits.

Mr. SMITH of Iowa. The gentleman and myself differ as to words and not as to meaning. What I mean to say is that the precedents established in the decisions of this tribunal, as shown in the hearings, disposed of about nine-tenths of these cases, and in that sense nine-tenths of the cases have been disposed of on their merits. Now, I want to call the attention of the House to some of the peculiarities of this whole matter.

Mr. CAMPBELL of Kansas. Now, right there. If it is true that propositions of law have been laid down that dispose of nine-tenths of these cases, upon what theory can the gentleman justify an additional appropriation of $112,000 for the purpose of taking testimony and making further defense in cases that are four years old and more on the docket?

Mr. SMITH of Iowa. These appropriations, or part of them, are for the taking of testimony in Cuba and Spain. Twenty thousand dollars of this money is for the purpose of taking Government testimony in Spain and in Cuba. The other $92,000 is to cover the expense of the attorneys of the United States and the agents of the United States in Spain and in Cuba who have searched and are searching for evidence for the defense in these cases.

Mr. CAMPBELL of Kansas. Will the gentleman, while not discussing the point of order, tell the committee some of the things that these agents and attorneys are doing?

Mr. SMITH of Iowa. If the gentleman will allow me to proceed, I will tell the House with great pleasure some of the difficulties which have confronted this Commission. When the United States representatives went to Paris to negotiate the treaty of peace with Spain, they took with them $29,000,000 of claims against the Spanish Government that they tried to utilize in making a settlement. For the purpose of settling with Spain we claimed that these $29,000,000 of claims were genuine bona fide claims, and then we assumed all claims of Americans against Spain in favor of citizens of the United States. Of course, immediately we turned right square around and claimed that none of these $29,000,000 worth of claims that we were trying to collect off Spain were valid, but claimed they were invalid, put these cases before the Spanish Claims Commission, and were required to take a position directly at variance with the position officially taken by our own Government in the negotiation of the treaty of Paris.

That is not all. We had persistently refused to recognize that a state of war existed in Cuba. We had refused to recognize the Cuban people as belligerents, and yet as soon as these claims, which had grown to $60,000,000, were filed against the Government of the United States we turned square around and planted ourselves upon the proposition that a state of war was raging over a territory 700 miles long in Cuba and that the injuries inflicted on the claimants were directly caused by such war. So that the task intrusted to the counsel for the American Government before the Spanish Treaty Claims Commission was the task of repudiating everything the United States has contended for at Paris and everything the United States had contended for before we took possession of the island of Cuba.

Mr. CAMPBELL of Kansas. All that is far from a justification for five or six stenographers and interpreters here in Washington, located in and about the Commission rooms here on H street. Do you know what they are doing?

Mr. SMITH of Iowa. I am not going to assume to know what every clerk under this Commission is doing individually.

Mr. CAMPBELL of Kansas. A part of this appropriation is for their salaries, is it not?

Mr. SMITH of Iowa. I am going to answer you. As a matter of fact, when we concluded to change our minds, and that a state of war did exist in the island of Cuba for years before we took possession of the island, the first thing to do was to get evidence of that fact.

Mr. PERKINS. Yes; but what has that to do with the present question whether this appropriation shall be further continued? The question is not what has been done in the past, but whether there is any necessity or propriety of doing more in the present and the future.

Mr. SMITH of Iowa. If I could proceed without interruption I think I could make it plain.

Mr. PERKINS. The gentleman would have to make it plainer than he has.

The CHAIRMAN. Does the gentleman from Iowa decline to yield?

Mr. SMITH of Iowa. I prefer to proceed, but I do not decline to yield. Now, it was not a question whether war existed on the whole 700 miles, because these losses were not sustained all at one place, nor were the losses, so to speak, affected by the state of war at any place except where the injury was inflicted; that is to say, as each claimant's case came up, in these $60,000,000 worth of claims, it was necessary——

The CHAIRMAN. The time of the gentleman has expired.

Mr. SMITH of Iowa. I ask unanimous consent to proceed for five minutes.

There was no objection.

Mr. SMITH of Iowa. It was necessary for us to take up each man's case and attempt to demonstrate that a state of war existed at the place where the loss was inflicted at the time the loss was incurred. In order to do that we had to take the testimony of Spanish officers. We did not know who those officers were. For a long time after the war our relations were not so pleasant with Spain that the Spanish Government was cooperating to advise us just which officers could give us the information.

Mr. CAMPBELL of Kansas. May I ask the gentleman a question just there?

Mr. SMITH of Iowa. Yes.

Mr. CAMPBELL of Kansas. Have you succeeded yet in establishing the fact as to whether war did exist?

Mr. SMITH of Iowa. At each given point, no. We have taken the evidence as to many points and many days.

Mr. CAMPBELL of Kansas. How many points yet remain to cover?

Mr. SMITH of Iowa. I am not claiming such detailed knowledge of the progress of this litigation as to be able to inform the gentleman upon that. I have informed him that nine-tenths of these cases are practically disposed of, almost all of them favorably to the Government of the United States, in the face of the fact that we ourselves vouched for them at the time of the negotiation of the treaty of Paris.

Now, there is about one-tenth of this business undisposed of. It will be disposed of, so say the Commission and the legal branch, in about a year, and here it is suggested that at this hour in the transaction of this business, without abolishing the Commission, we shall simply strike out the pay of every legal officer of this Government in charge of the defense of those claims in order that the salaries of the Commissioners and their subordinates may go on and no business be transacted and at the end of the fiscal year have no progress made over what has been made at this hour. I submit it is against the public interest. It is destructive of the public interest. It is wasteful of the public money to keep the court going but to refuse the money for the counsel who are in defense of the claims against the American Government.

Mr. CAMPBELL of Kansas. Do you not think that every right and interest of the Government could be subserved by transferring these claims to the Court of Claims and that we could still make money by paying the salaries of the Commission for another year?

Mr. SMITH of Iowa. Every dollar provided in this bill would have to be expended for counsel to defend the cases in the Court of Claims. You would not save a penny of this money. You would save the salaries of the Commission, covered by the $50,000 appropriation. But I want to say that the law creating the Commission provided that after two years the Commission should die, except as extended from time to time for six months by order of the President of the United States, and whenever the President of the United States fails to give his order extending the life for six months this Commission dies, and he will fail to give that order whenever the public service will be bettered by abolishing this Commission; and I think it would be folly to transfer these cases from a court that has studied the questions of international law involved, to some of which I have given an examination myself and know to be exceedingly difficult, and turn the cases over to a court that is not familiar with the subject-matter of the litigation.

Mr. PERKINS. Mr. Chairman, I regret exceedingly to insist upon a point of order when my friend from Iowa says that it is folly to do so. If I thought there was any benefit in it, if my experience did not show that when a commission is once created it never ends, unless by positive act of Congress the thing is forced to come to an end, I would not make this point. This Commission has gone on in desuetude that has become more innocuous, but not less costly, every year. Finally, when attention is turned to it the gentleman says the judges come in and say that in another year we will come to an end. I do not believe it. I do not believe that one-quarter of the Members of the House believe it. But if now this provision be passed, the pretense of work can be kept up on the part of the Commission, but if it is stricken out it will quicken the pulse of the House to pass the bills that are already pending and to do away with the court itself. My friend says that the judges have little to do now; but so long as we allow them to remain they will draw $50,000 a year. Is that any reason why we should appropriate $92,000 more and increase the expenses of an organization admitted on all sides to have long survived its usefulness? Mr. Chairman, I insist on my point of order.

Mr. SULLIVAN of Massachusetts. Will not the gentleman reserve his point of order long enough for me to make an explanation?

Mr. PERKINS. Certainly I will reserve the point of order.

Mr. SULLIVAN of Massachusetts. Mr. Chairman, I would like to discuss the matter briefly. I am in sympathy with the sentiments of the gentleman from New York, and believe that this Commission ought to be abolished at the earliest possible date. But I think it would not be wise for Congress to strike out the appropriation for the defense of the claims while the Commission itself is left in existence. If we succeed in striking out the $92,000, the Commission will stand, and the appropriation of $50,000 for the expense of the Commission itself will remain.

Mr. PERKINS. Will the gentleman yield?

Mr. SULLIVAN of Massachusetts. In a moment. The result will be that the Commission will not have any work before it to perform, but will be continued under the law with its salaries preserved. Now, while the Commission exists we ought to make a provision for what is the only useful branch of the service, in my judgment, namely, that branch that establishes the defense to claims and which is under the immediate charge of the Assistant Attorney-General. Now I yield to the gentleman from New York.

Mr. PERKINS. Does the gentleman think anything would have more effect to hasten action in reporting the bill which the gentleman himself has introduced to abolish this Commission than just such action as here will be taken, and does he not believe, does he not fear, that in the absence of such action his bill and similar bills will sleep the sleep of the just, and that this Commission will be continued for many a long day if not many a long year?

Mr. SULLIVAN of Massachusetts. If I did concur with the gentleman in that belief, I would not have voted for the appropriation as it appears in the bill.

Mr. PERKINS. But we know that an item being in this appropriation bill is no evidence that any particular member of the committee voted in favor of it. [Laughter.]

Mr. SULLIVAN of Massachusetts. It may have that appearance after what has taken place here in the last few days, but it is not always true. This Commission was established in 1901. Under the law in six months after its organization, which was effected April, 1901, all the claims had to be filed, and there was a provision that for just cause shown other claims could be filed in the following six months. Under that limitation all claims were filed which can possibly be brought before the Commission for adjudication. The total number was 542. There have been 221 disposed of. Three hundred and twenty-one, or a large majority of them, still remain to be adjudicated. The claims aggregated some $60,000,000 in amount. The number disposed of aggregated $10,000,000. There is some $50,000,000 worth of claims remaining. Now, the Commission can not disposes of these claims unless the testimony is taken in Spain and in Cuba. If this item is stricken out, there will be no provision for taking the testimony in Spain and in Cuba, and the result will be that the Commission will be left standing with magnificent salaries provided for them and with absolutely nothing to do.

Mr. PERKINS. Does not the gentleman believe it to be a fact, does he not know it to be the fact, that of this great total of $50,000,000 of claims, 95 per cent, like the great volume of most damage claims, will never be pressed, and are of no possible validity, as is known to the claimants just as much as to anyone else?

Mr. SULLIVAN of Massachusetts. On the contrary, I think

it is the hope of the claimants to get favorable action upon their claims.

Mr. PERKINS. Then why haven't they pressed their claims in all these years?

Mr. SULLIVAN of Massachusetts. The reason, to be very frank with the gentleman, is because the Commission has laid down certain rules of decision which the claimants believe will cause the cases to be decided adversely to them. For that reason they have sought in every way possible to postpone action upon their cases, and the Commission has been very accommodating to these claimants, probably realizing that the longer they postpone action the longer they will be allowed to draw their salaries. At all events, it seems to me that the claimants and the Commission are now simply playing a waiting game in order to see what Congress may do. There is a bill pending now for certiorari, under which these claimants hope to get relief. There is another bill pending, introduced by myself, calling for the abolition of the Commission on the 2d of September, 1906, and the transfer of the remaining claims to the Court of Claims upon that day.

The CHAIRMAN. The time of the gentleman has expired.

Mr. SULLIVAN of Massachusetts. Mr. Chairman, I ask unanimous consent to proceed for five minutes.

The CHAIRMAN. The gentleman from Massachusetts asks unanimous consent to proceed for five minutes. Is there objection?

There was no objection.

Mr. LITTLEFIELD. Mr. Chairman, I would like to ask the gentleman a question. I don't know whether this bill for certiorari has passed the House or not.

Mr. SULLIVAN of Massachusetts. It is in the Senate, I am informed. It has not passed the House.

Mr. LITTLEFIELD. If it should become law, it simply probably opens up not only cases that have already been decided, but probably would render valid quite a number of claims now pending which would come within the line of suggestion of the gentleman from New York [Mr. PERKINS].

Mr. SULLIVAN of Massachusetts. I do not care to discuss the certiorari bill now, but I do not think the gentleman is quite right in that assumption. If I am correctly informed, the bill provides certiorari only in those cases that are pending, but I will say this in candor to the gentleman, that if that bill should pass I think it would be immediately followed by another bill asking that the claims already decided adversely could be resubmitted.

Mr. LITTLEFIELD. The purpose of the bill, and the gentleman behind the bill, is to reverse the rule of law laid down by the Commission, and if the Supreme Court should reverse that rule, then you have another avenue of litigation opened up. That is the logic of it.

Mr. SULLIVAN of Massachusetts. I think there is no doubt that would result if the certiorari bill should pass. Personally I hope it will not pass. I trust the committee of which the gentleman is a distinguished member will do its duty and have a meeting on the bill to abolish the Spanish Treaty Claims Commission and report that bill to the House at this session.

Mr. LITTLEFIELD. My impression is that they have already reported the other bill favorably.

Mr. SULLIVAN of Massachusetts. The gentleman means the certiorari bill in the Senate.

Mr. LITTLEFIELD. Yes.

Mr. WM. ALDEN SMITH. The certiorari bill gives them the right of appeal, does it not?

Mr. SULLIVAN of Massachusetts. Practically the right of appeal.

Mr. WM. ALDEN SMITH. It makes no final decision.

Mr. SULLIVAN of Massachusetts. Oh, no; it gives a review to the Supreme Court, which may remand the case to the Commission again for further action.

Mr. SIMS. Mr. Chairman, I had the honor of being a member of the committee that reported this Spanish treaty claims law.

Mr. SULLIVAN of Massachusetts. Well, I think that is a very doubtful honor. [Laughter.]

Mr. SIMS. I think it is, too. I know it was the thought of that committee that it could not last long. Are we continuing this Commission simply because those who have claims to present are failing to present them? Can not we abolish that Commission by amendment on this bill?

Mr. SULLIVAN of Massachusetts. I wish the gentleman would make that attempt, and I trust he will succeed.

Mr. SIMS. Then the gentleman would not make the point of order.

Mr. SULLIVAN of Massachusetts. I assure the gentleman that I would not. It is true, as the gentleman from Tennessee [Mr. SIMS] says, that when this bill was passed by Congress in the Fifty-sixth Congress it fixed the limit of two years for the winding up of this Commission's work, and no one dreamed then that it would take longer than two years to dispose of all these claims. In order to guard against all possible contingencies, a proviso was included giving the President the right to extend the life of the Commission for six months at a time, and since March 2, 1903, he has extended its life six times under that provision. I remember very well the statement of the gentleman from Ohio [Mr. GROSVENOR] at that time. He was quite convinced, as were the Members of the House, that this Commission could dispose of this work much more speedily than the Court of Claims. The argument was advanced that the Court of Claims was congested, that it was not up with its work, and that great injustice would result to these claimants if the claims were submitted to that tribunal. Subsequent events have shown that Congress was wrong in that assumption and that the Court of Claims would have disposed of these cases far more speedily than this Commission has done.

Mr. PERKINS. Did the gentleman ever, in his experience as a lawyer or as a politician, know of any commission that disposed of business with any degree of promptitude?

The CHAIRMAN. The time of the gentleman has expired.

Mr. SULLIVAN of Massachusetts. Mr. Chairman, I ask unanimous consent that I may be permitted to proceed for five minutes more.

The CHAIRMAN. The gentleman from Massachusetts asks unanimous consent to proceed for five minutes. Is there objection?

There was no objection?

Mr. SULLIVAN of Massachusetts. Mr. Chairman, I agree with the gentleman that the tendency of all temporary commissions is to make their tenure permanent, particularly where the salary is large. In this case each of the five Commissioners receives a salary of $5,000 a year, and it seems to me they have stretched the law to the utmost in providing the salaries for special counsel and assistants, etc.

The annual salary roll of this Commission is about $114,000, and I would like to read the roll briefly. There are five Commissioners at $5,000; then there are five Commissioners to take testimony, one at $2,500 and one at $2,100 and three at $8 per diem. There is one clerk at $3,500, two assistant clerks at $2,000, and one at $14,000; six interpreters at $1,800; seven stenographers at $1,200; one typewriter at $1,200; three messengers, two at $720 each, and one at $1,000; one Assistant Attorney-General at $5,000, and one special counsel at $5,000.

Now, Mr. Chairman, I believe that the Commission has not done all the work that it ought to have done. In the first year, 1901, it did not dispose of a single case. In the second year it disposed of only two cases, and those were two of the battle ship *Maine* cases, and they were disposed of on demurrer. In the third year it disposed of 157 cases and only 7 of them were ordinary cases, and the other hundred and fifty were battle ship *Maine* cases, and they were heard on demurrer and disposed of on a single principle and as a single case. In 1904 the Commission did not dispose of a single case, although it was then three years in existence and fully equipped for its work. In 1905, 49 cases were disposed of, and so far in 1906, 13. That makes a total of 221 cases. But in considering the rate of progress of the Commission it is fair to consider those 152 battle ship claim cases as one case, because they were all disposed of on one principle and upon demurrer. Therefore, if we add that case to the other 69, it really makes 70 cases, or an average rate of 14 cases per year, which is a very small rate indeed.

Mr. WM. ALDEN SMITH. Will the gentleman permit me to make an observation there to the effect that in the early history of this Commission they had no authority to take testimoney, as I understand it, in Cuba or in Spain.

Mr. SULLIVAN of Massachusetts. I think the gentleman is entirely wrong about that.

Mr. WM. ALDEN SMITH. I think I am right about it. The question arose as to whether or not the Spanish Government had used such force to put down the insurgent rebellion as they were required to use under the rule of international law in order to shift the burden of legal responsibility from their own Government, and in order to understand fully the situation they were obliged to go there and take testimony. And I dissent wholly and completely from the statement that this Commission has not shown both diligence and ability.

Mr. SULLIVAN of Massachusetts. Will the gentleman tell me whether any of the Commissioners reside in his own State or in his district?

Mr. WM. ALDEN SMITH. Yes.

Mr. SULLIVAN of Massachusetts. Yes?

Mr. WM. ALDEN SMITH. I am proud to say they do.

Mr. SULLIVAN of Massachusetts. I will go on now and answer the argument of the gentleman.

Mr. WM. ALDEN SMITH. That does not make any difference, let me say to the gentleman. The gentleman from Michigan who is upon that Commission has plenty to do, is an able lawyer, and his services in his own State are in demand at any time, and his services to the Government are highly creditable.

Mr. SULLIVAN of Massachusetts. I will supplement the gan who is upon that Commission has plenty to do, is an able lawyer, but he is in active practice, and he is trying cases at home nearly all the time, and devotes very little of his time to the work of this Commission.

The gentleman has raised a question as to the power of this Commission——

The CHAIRMAN. The time of the gentleman has expired.

Mr. SULLIVAN of Massachusetts. Mr. Chairman, I ask that I may proceed for five minutes longer.

The CHAIRMAN. The gentleman from Massachusetts asks unanimous consent to proceed for five minutes longer. Is there objection?

There was no objection.

Mr. GROSVENOR. I want also to say that there is a member of that Commission from my State also, and in order that the gentleman may be fully advised, I will say that I think he comes from the same town I do.

Mr. SULLIVAN of Massachusetts. I think that is possibly why he is a member of the Commission. [Laughter.]

Mr. GROSVENOR. I want to ask the gentleman if it is not a fact that while the number of cases decided and disposed of is small in number, apparently, that the principles on which some of these leading cases have been disposed of practically now dispose of a very large majority of those remaining on hand?

Mr. SULLIVAN of Massachusetts. I think the gentleman is entirely right in that assertion, and the president of the Commission made the statement, with which the Attorney-General for the defense of claims agreed, that if the Commission adhered to the principles already laid down they would dispose of fully 80 per cent of the remaining cases adversely to the claimants. I think right here I might correct a statement of the gentleman from Iowa, which I am certain he made inadvertently, and that is that these cases were likely to be wound up in one year. As I recall the testimony of the Commissioner the statement was this, that 80 per cent of the remaining cases would be disposed of within the next year. But, although I asked a number of questions, I could get no definite answer to the question as to how long it would take to dispose of the remaining 20 per cent of these cases.

Now, the gentleman from Michigan has said that it was doubtful whether this Commission had power to take testimony abroad. I am aware that that question did arise, but I do not think there was any substantial ground for it. It is true that the Commission required the attorneys who represented these claimants to file briefs with them upon that proposition, and they submitted those briefs to the Senate, and that matter has become a public document. But if you consider that in the organic act the Spanish Treaty Claims Commissioners were given power to appoint commissioners to take testimony, and consider the further fact that the theater of war in which these claims arose was Cuba, you will wonder how there could be a scintilla of doubt that these commissioners must perforce go to Cuba to take the testimony. I think it was a useless quibble, which consumed at least six months, if not more, time of the Commission. The question was finally settled in June of 1902 by the action of Congress itself. There has been no doubt since then about the power to take testimony in Cuba, and therefore from 1902 to 1906 the Commission has not had that as an excuse for its delay.

Mr. WM. ALDEN SMITH. They have shown reasonable diligence in view of the importance of their task.

Mr. SULLIVAN of Massachusetts. I think the gentleman is mistaken about their having shown reasonable diligence above other commissions. I can point to the action of a good many other commissions where they have proceeded at a much greater rate of speed. I will not take the time of the House to cite them now, but, with the consent of the committee, I would like to put the cases of those other commissions in the RECORD.

The CHAIRMAN. The gentleman asks unanimous consent to insert matter in the RECORD. Is there objection? [After a pause.] The Chair hears none.

The matter referred to is as follows:

Thus the Mixed Commission on American and British Claims disposed of its whole docket of 478 cases against the United States and 19 against Great Britain—in all, 497 cases—in exactly two years—that is, from September 26, 1871, to September 25, 1873—with no more cost to the United States than $273,672.94. This Commission had to take testimony in almost every State and Territory of the United States, in all the British provinces of North America, in Mexico, in several of the West India islands, in England, Scotland, and Ireland, and in Egypt.

The French and American Claims Commission disposed of its whole docket of 726 cases against the United States and 19 against France—in all, 745 cases—in three years and three months, from December 22, 1880, to March 31, 1884. The total expense to the United States was $325,000.

SPANISH-AMERICAN CLAIMS COMMISSION.

[Act March 3, 1821; 3 Stat. L., 639.]

(Moore, V, 4500.)

Three Commissioners, at $3,000 per annum. Secretary, at $2,000 per annum. Clerk, at $1,500 per annum.

Convened June 9, 1821. Adjourned June 8, 1824. Total existence of three years. Over 1,800 cases decided. Amount of claims allowed, $5,454,545.13.

Amount provided by act of Congress for payment of awards limited to $5,000,000; therefore sums allowed were abated 8½ per cent on each claim.

Government not defended.

FRENCH-AMERICAN CLAIMS COMMISSION.

[Act July 13, 1832; 4 Stat. L., 574.]

(Moore, V, 4461.)

Three Commissioners, at $3,000 per annum. Secretary, at $2,000 per annum. Clerk, at $1,500 per annum.

Convened first Monday in August, 1832. Adjourned December 31, 1835. Total existence of three years and five months.

Number of claims presented, 3,148. Number of claims allowed, 1,567. Amount of claims presented, $51,834,170.15. Total amount awarded, $9,352,193.47.

Government not defended.

MEXICAN-AMERICAN CLAIMS COMMISSION.

[Act March 3, 1849; 9 Stat. L., 393.]

(Moore, II, 1249.)

Three Commissioners, at $3,000 per annum. Secretary, at $2,000 per annum. Clerk, at $1,500 per annum.

Convened April 16, 1849. Adjourned April 15, 1851. Total existence of two years.

Number of claims presented, 292. Number of claims allowed, 198. Total amount awarded, $3,208,314.96.

Government not defended.

FIRST COURT OF COMMISSIONERS OF ALABAMA CLAIMS, 1874.

[Act June 23, 1874; 18 Stat. L., 245.]

(Moore, V, 4639.)

Five members of court, at $6,000 per annum. Clerk, at $3,000 per annum. Shorthand reporter, at $2,500.

Also allowed "necessary actual expenses of office rent, furniture, fuel, stationery, and printing, and other necessary incidental expenses, to be certified by the presiding judge of said court, and to be audited and paid on vouchers under the direction of the Secretary of State."

Convened July 22, 1874. Adjourned December 31, 1877. Total existence of two years five months.

Number of claims filed, 2,068, amounting to $14,499,316.99, exclusive of interest. Total amount awarded, $9,316,120.25.

SECOND COURT OF COMMISSIONERS OF ALABAMA CLAIMS.

[Act June 5, 1882, 22 Stat. L., 98.]

(Moore, V, 4660.)

Three judges, at $6,000 per annum. Clerk, at $3,000 per annum; increased to $4,400 in year 1885. Shorthand reporter, at $2,500.

Also allowed "the necessary actual expenses of office rent, furniture, fuel, stationery, and printing, and other necessary incidental expenses, to be certified by the presiding judge of said court, and to be audited and paid on vouchers under the direction of the Secretary of State." Counsel to receive fees or $8,000 per annum.

Court organized July 13, 1882. Adjourned December 31, 1885. Total existence of three years five and a half months.

Number of claims adjusted, 11,377. Total amounts awarded: First class, $3,346,016.32; second class, $16,312,944.53.

First-class awards paid in full. Second-class awards paid pro rata from fund remaining in Treasury, aggregating $10,089,004.96.

Expenses, exclusive of the compensation of the officers expressly provided for by law, $341,216.34.

Mr. SMITH of Iowa. Is it not a fact that these cases to which you refer, about which you were asked about the Commissioners taking testimony abroad, it required them to be citizens or to take the oath of allegiance to the United States?

Mr. SULLIVAN of Massachusetts. I did not hear the gentleman, and therefore do not understand him.

Mr. SMITH of Iowa. Is it not a fact that the query arose as to the authority to take testimony abroad by reason of the doubt as to authority to appoint anybody but a citizen of the United States or one who had taken an oath of allegiance?

Mr. SULLIVAN of Massachusetts. I think you refer to the case of taking testimony in Spain.

Mr. PERKINS. That question could be disposed of without taking six months in hearing the question.

Mr. MANN. Will the gentleman allow me to ask him a question?

Mr. SULLIVAN of Massachusetts. Certainly.

Mr. MANN. Do you think there would be any difficulty in abolishing the Commission if the other Members would follow the example of the chairman and get into a controversy about legislation? [Laughter.]

Mr. SULLIVAN of Massachusetts. I do not know; but I will state to the gentleman I have found considerable difficulty in getting the Commission abolished.

Mr. MANN. I think if you would get the other two gentle-

men on the same line of work you would have no difficulty. [Laughter.]

Mr. SULLIVAN of Massachusetts. I would like to read briefly from the testimony concerning the time put in by this Commission. Although I asked for a statement of the time actually spent by this Commission in their hearings, and that statement was promised to be supplied to us, later the president of the Commission sent a letter to the committee stating that there were no records of the time spent by the Commissioners.

The CHAIRMAN. The time of the gentleman has expired.

Mr. SULLIVAN of Massachusetts. I will ask for about two minutes more.

The CHAIRMAN. Is there objection? [After a pause.] The Chair hears none.

Mr. SULLIVAN of Massachusetts. Two members of the Commission, without naming them, because I think the gentleman from Michigan is sensitive on that——

Mr. WM. ALDEN SMITH. I am not at all sensitive; I am proud of all the Commission. I would like you to name them.

Mr. SULLIVAN of Massachusetts (continuing). Have law firms at their own homes; they are very able lawyers and very actively engaged in practice at home. The special counsel of this Commission, who gets $5,000 a year, was sent abroad as the counsel in the Alaskan boundary arbitration at London. He received a fee from the United States Government for his services in that connection and at the same time drew his salary as special counsel for the Spanish Commission.

Mr. GAINES of Tennessee. How much were the counsel fees on that occasion?

Mr. SULLIVAN of Massachusetts. I can not answer that question. That special counsel, by the way, is a lecturer at one of the law schools in Washington and also has a private practice. Another member of the Commission is a lecturer in that law school, and the president of the Commission himself, it is needless for me to say to the House, has been very diligent in attending to every business under the sun except the business for which his office was created.

Mr. GROSVENOR. Mr. Chairman, while I understand that there is a question of order pending, I am going to assume that it will be sustained by the Chair, and then the question will recur upon the appropriation.

First, I want to go back to the origin of this Commission. Intimately connected with that fact is the suggestion that is now being made to send these cases to the Court of Claims. There was a sharp contest in this House when the Commission was created, and I then took a very earnest position in favor of the Commission, rather than in favor of sending the matter to the Court of Claims. If there is a place on earth that the people of the United States ought to carefully avoid as much as possible, aside from some place that is immoral in its nature, it is the Court of Claims of the United States of America. And in this connection I want to suggest to the gentleman from Massachusetts [Mr. SULLIVAN], who is intelligently posted upon everything connected with this matter, that nothing could be more injurious to the best interests of the people of this country than to permit an amendment of the statute that would in the first place send these cases to the Court of Claims, and thereby open the door to the Supreme Court of the United States to adjudicate ultimately the international law involved herein. And by that same token I have opposed always and earnestly oppose now any change in the statute that would give to these claimants the right to go to the Supreme Court of the United States by appeal. The United States never did undertaken any such procedure as that in the Spanish treaty. We simply agreed to audit and pay the claims that arose under the stipulation of the treaty. The statement of the gentleman from Iowa [Mr. SMITH] is a correct one, that we found ourselves greatly embarrassed by our position as a country. We had taken the position, for instance, that one Doctor Reiss had been murdered in a Spanish prison, and that he was a citizen of the United States, and we asserted our claim against Spain to pay and make good the damage to our citizen. When that case came before the Spanish Claims Commission it turned out that we had no right whatever to interfere, and yet we were practically estopped by our own claim. That is one of the claims that has been allowed and paid, but not nearly so large a sum as was originally claimed by our Government against the Government of Spain.

We therefore undertook to audit and pay those claims. We did not stipulate how it was to be done. At length comes this question, Shall we open an avenue by which these claimants, many of whom are without merit, shall have permission to go to the Supreme Court on appeal, and thereby force our court to make such precedents in regard to adjudications upon questions of international law as in the long future ahead of us will rise up to estop our denial, and the positions that we may take in future controversies of a similar character?

Mr. SULLIVAN of Massachusetts. Will the gentleman from Ohio allow a question?

Mr. GROSVENOR. Yes.

Mr. SULLIVAN of Massachusetts. Do we not now send the French spoliation claims to the Court of Claims to report on the law and facts and send the same to Congress, Congress then appropriating the money to pay them? And let me ask the gentleman if the Court of Claims does not by its decisions create precedents in those cases. I should like to ask the gentleman a further question. Does he think that the Supreme Court of the United States would render a decision which was wrong, and therefore make a wrong precedent for the future? And if the Supreme Court decided the question right, should we complain of any precedent created thereby?

The CHAIRMAN. The time of the gentleman from Ohio has expired.

Mr. GROSVENOR. I ask for five minutes more.

There was no objection.

Mr. GROSVENOR. At the beginning of it, I want to ask the gentleman from Massachusetts if he would like to have any more French spoliation claims haunting this Congress and the people of the United States? A relative of mine had one of these claims, the Lord knows how long ago. I voted to pay some of the claims here, and they are coming and going constantly. That was the very ground I took, the reason why I have opposed any more Supreme Court adjudications of these claims that really appeal rather to benevolence than to any legal status.

This Commission therefore has undertaken to decide these cases. I leave the situation as it was described by the gentleman from Iowa [Mr. SMITH], who made a fair statement, so far, at least, as I heard and understood it.

Now, what is to be done? Shall we at once now destroy the efficiency of this Commission, or shall we permit it to go on, with the admonition that certainly it must recognize in the light of the discussions here to-day.

Mr. GAINES of Tennessee. Mr. Chairman, the gentleman from Massachusetts made the statement just now that some one of the members of this Commission was actively practicing law at home.

Mr. GROSVENOR. I have no doubt of that.

Mr. GAINES of Tennessee. Two of them, he says.

Mr. GROSVENOR. I have no doubt of that. I am actively engaged in the practice of the law sometimes. Does the gentleman think there is anything objectionable in that?

Mr. GAINES of Tennessee. It is to be regretted that Members of Congress have to practice law at home at all; but I was trying to ask the gentleman, Does he himself know that some of these Commissioners are actively practicing law at home?

Mr. GROSVENOR. I am not a witness here. The gentleman from Massachusetts says it is a fact.

Mr. SULLIVAN of Massachusetts. It is conceded in the hearings.

Mr. GROSVENOR. I will certainly take the statement of the gentleman from Massachusetts, if he positively asserts a thing to be a fact. Really, I would take it in preference to my own knowledge.

Mr. GAINES of Tennessee. He says it is admitted in the record of the hearings.

Mr. GROSVENOR. I do not think there is any doubt about it.

Mr. SULLIVAN of Massachusetts. I do not want the gentleman to think that I am opposed to this appropriation.

Mr. GROSVENOR. I do not; I understand the gentleman's position. Now, speaking about the practice of law at home, these gentlemen live within twelve or fourteen hours' travel to the place in which they practice law at home. Is there any impropriety, under certain circumstances, that these gentlemen should go home and try a special case if they did not neglect the business that brings them here?

Mr. GAINES of Tennessee. It seems that one of the Commissioners lives in Michigan.

Mr. GROSVENOR. That is not very far away.

Mr. GAINES of Tennessee. It is twelve or fourteen hours.

Mr. GROSVENOR. That is a very short distance, and you can do the most of that in a night.

Mr. PERKINS. Mr. Chairman, I would like to ask the gentleman a question. The gentleman from Ohio was in Congress when the act was passed and the salaries were fixed. Does he think at the time the salaries were fixed at $5,000 each for five men that it was supposed by Congress that that board was to give its entire time to these matters, and not that its members would draw $5,000 a year and practice law besides?

Mr. GROSVENOR. I supposed they would give so much time as was necessary for the efficient discharge of their duties. I say that it is yet to be shown that they have not done that.

Mr. PERKINS. The gentleman will concede that they have received six years' pay, and that the work is far from done, and that that undoubtedly is a very much longer lapse of time than was thought to be necessary at the time the Commission was established.

Mr. GROSVENOR. Well, the gentleman is making a speech in my time. I can not understand what he is saying, but I know he is making a speech by his gesticulations. [Laughter.]

Mr. PERKINS. Did the gentleman state to Congress when he advocated the bill that this court would take six years to get through its business?

Mr. GROSVENOR. Certainly I did not; nor did I have the slightest apprehension, no more than the gentleman from New York has now, of the magnitude of the difficulties that this Commission has encountered. Imagine yourself going to the city of Madrid and undertaking to find out who was the captain of a Spanish company located at Post A, in the island of Cuba.

Mr. SMITH of Iowa. Will the gentleman pardon me? The attorney for the Government didn't even know what company it was that was located there; they had first to find out what company it was and who the captain was.

Mr. GROSVENOR. That is true. The best answer to the whole is that the Commission has succeeded in cutting down the claim of $10,000,000 by actual adjudication to something under $1,000,000.

Mr. SULLIVAN of Massachusetts. To $322,000. Let me ask the gentleman from Ohio if he considers that is an admirable thing except upon the assumption that they have dealt justly with the claimants? If the claims were just ones, then cutting down the awards would be an injustice. I do not think they are entitled to credit unless the law and the facts warranted them in cutting down the claims.

Mr. GROSVENOR. They are entitled to this: There stands the affirmative of the claimant and the negative is the Government of the United States. The affirmative is prepared with some evidence to enforce its claim, the Government of the United States is not only without any evidence but primarily without any information.

Mr. SULLIVAN of Massachusetts. Following out the gentleman's reasoning, the excellence of the Commission would be still greater if they had allowed nothing at all.

The CHAIRMAN. The time of the gentleman from Ohio has expired.

Mr. GROSVENOR. Mr. Chairman, I will ask for ten minutes more time, and then I will promise to speak no further to-day.

The CHAIRMAN. The gentleman from Ohio requests that his time be extended ten minutes. Is there objection?

There was no objection.

Mr. GROSVENOR. Now, the suggestion of the gentleman from Massachusetts would be valuable if he can show that the Commission has been unjust in its awards to any one of these claimants. I do not believe they have, but they have been beset by more conspiracies and villainy than ever surrounded a Commission in all the annals of time. While I am going to criticise that Commission directly, I do think that in the investigation of these claims, that in the adjudications which they have rendered, they have been eminently conservative, eminently just, and eminently efficient.

Mr. SULLIVAN of Massachusetts. I hope the gentleman will understand that I am not attempting any criticism of their rules of decision.

Mr. GROSVENOR. I think the only criticism that can be made of this Commission is this: I think that under the treaty and the law of their creation every one of these cases, when it was finally adjudicated, ought to have been dismissed permanently and forever within a very brief period of time, just long enough for an able lawyer to prepare a motion for a rehearing or any other procedure that the Commission might see fit to grant in the nature of giving to the claimant every opportunity to have justice done him. Inasmuch as they have permitted the claims to stand there, according to the statement, I think that is a mistake in their administration, and I will tell you where I think the trouble is to come from.

I have had knowledge that there has been a purpose on behalf of these claimants—claimants represented by many of the very best and most distinguished lawyers in the United States—to ultimately secure in some way an avenue to the Supreme Court, and there is a degree of modesty in every judicial tribunal that is worthy of the name not to cut off appeals, not to prevent rehearings; and I have suspected not only that idea in the minds of the Commission, but I have thought it was just barely possible that there might be one or more of the Commission who would be glad to see appeals granted. What would be the result? To give an appeal to the Supreme Court of the United States in $50,000,000 worth of claims against this Government. Why our great grandchildren down to the remotest generation to come would never hear the end of the Spanish Claims Commission.

Mr. SULLIVAN of Massachusetts. Do I understand the gentleman to say that if the claimants could have their cases taken to the Supreme Court that that court would allow $50,000,000 worth of claims?

Mr. GROSVENOR. No; I did not say anything like that.

Mr. SULLIVAN of Massachusetts. Then, Mr. Chairman, I misunderstood the gentleman. I will say this: I think one effect of it would be that possibly some claims would be remanded to the Commission and the Commission would be obliged to hear them again, and in that manner the life of the Commission would be prolonged still further.

Mr. GROSVENOR. Eternity would be too short to reach the end of those claims.

Mr. CAMPBELL of Kansas. Mr. Chairman, much of the discussion here has hinged about appropriating money for getting testimony on the part of the Government. Is it not a fact that the burden of proof is upon the claimants in the first instance?

Mr. GROSVENOR. It certainly ought to be.

Mr. CAMPBELL of Kansas. Well, what I want to know is this: Is that a rule of this Commission?

Mr. GROSVENOR. Let me tell the gentleman. I think I will give a little bit of secret history.

Mr. CAMPBELL of Kansas. And in that connection let me make this further suggestion or ask this further question. Is it the practice of this Commission to require the claimants to take their testimony at the pleasure of the Commission as is the custom in the Court of Claims?

Mr. GROSVENOR. I think they limit the time when they shall take their testimony, and there is no question that the ruling is a proper one, that the burden of proof is upon the man who asserts a fact, which is like any other question. I will say to the gentleman now, inasmuch as he has gone to the brink of the question, when that Commission was first organized some of the ablest lawyers in the United States, and others whom I believe have no superior, came before that Commission and for days and days they argued that the Commission was a mere auditing board; that it had nothing to do with the question of whether the injury had transpired or not, and I have been told that two members of the Commission voted to sustain that proposition; that the whole question was a question of auditing, and if a fellow came forward and proved that he come over here and got a naturalization paper that they could not inquire into that, and then when he asserted his claim and made a prima facie showing of it they were bound to pay it and that was the end of it. They resisted vigorously and bitterly any consideration of the question of the fraudulent character of one-half of the naturalizations, and at least two-thirds of the questions of amounts in controversy, and the Commission has waded through all that. The fact that there are intervals when they do not have a case to try and that somebody goes home to try a case there, cuts no figure, in my judgment, in derogation of the efficiency of the Commission.

Now, a few words more and I am through. Why strangle this Commission to death? I am told that the taking of testimony is going constantly forward. I know that the principal Commissioner for that purpose is still at Habana. Whether there are too many clerks, too many stenographers, too many messengers, I do not know. It would be the duty of the Committee on Appropriations to ascertain whether there is any surplus help there, but let us give them an efficient force, and I would not object to a limitation, but it seems to me that there is a limitation in the law that can be readily enforced by the President of the United States. But if we want to abolish that Commission, let us do it by a statute and not do it by strangulation. That is my point. Now, Mr. Chairman, I am through.

Mr. SMITH of Iowa. Mr. Chairman, I demand the regular order.

Mr. PERKINS. Mr. Chairman, I ask that the Chair rule upon the point of order that I made.

The CHAIRMAN. The gentleman had not made it up to this time.

Mr. PERKINS. Oh, I beg the Chair's pardon; I made the point of order at the beginning.

The CHAIRMAN. The Chair understood the gentleman to reserve it.

Mr. PERKINS. I did not so intend it. At any rate, I make the point of order now.

The CHAIRMAN. That is the regular order. In lines 14, 15, 16, and 17, this language occurs:

So much of the provisions of the act of March 2, 1901, providing for the Spanish Treaty Claims Commission as are in conflict herewith notwithstanding.

In the opinion of the Chair that modifies the statute and is, therefore, legislation. The point of order, therefore, is sustained.

Mr. SMITH of Iowa. Mr. Chairman, I offer the following as a new paragraph at this point.

The CHAIRMAN. The gentleman from Iowa offers an amendment in the form of a new paragraph, which the Clerk will report.

The Clerk read as follows:

Defense of suits before Spanish Treaty Claims Commission: For salaries and expenses in defense of claims before the Spanish Treaty Claims Commission, including salaries of assistant attorney-general in charge as fixed by law, and of assistant attorneys and necessary employees in Washington, D. C., or elsewhere, $92,000.

Mr. PERKINS. Mr. Chairman, I make the point of order to that.

Mr. SMITH of Iowa. I submit that the point of order is not well taken.

Mr. PERKINS. Where is the statutory authority for it?

Mr. SMITH of Iowa. It is found in the act creating the Commission.

Mr. PERKINS. Cite your authority.

The CHAIRMAN. Did the gentleman make a point of order?

Mr. PERKINS. I did; yes.

The CHAIRMAN. On what ground?

Mr. PERKINS. On the ground that I am not aware of any statutory authority. The act, as I remember it, authorizes the creation of the court, authorizes the payment of the salaries of the members of the court and other officers, but it does not authorize the appropriation of any unlimited sum of money for expenses before the court. The court might have no business. The court might have gone out of existence. The authority to continue to make appropriations for expenses for proceedings in the court does not result from the fact that the court itself may still continue in existence.

Mr. TAWNEY. May I ask the gentleman from New York [Mr. PERKINS] a question?

Mr. PERKINS. Certainly.

Mr. TAWNEY. The gentleman from New York makes the point of order on the ground that there is no statutory authority, and then he calls upon the committee to cite the authority. I submit, Mr. Chairman, that the presumption is in favor of there being authority for the act, and the gentleman who makes the point of order has the burden of proof that there is no statutory authority.

Mr. PERKINS. I think, Mr. Chairman, that I might reply, in view of the decisions made by the Chairman on this bill, that there is certainly no presumption of statutory authority in favor of a provision contained in this appropriation bill.

The CHAIRMAN. The Chair is of the opinion that the gentleman making the proposition should show affirmatively that there is authority of law.

Mr. SMITH of Iowa. The act creating this Commission provided for the litigation of these claims before the Commission. It seems to me that having created the Department of Justice——

The CHAIRMAN. Will the gentleman cite that act and send it up here, if he has it?

Mr. SULLIVAN of Massachusetts. It is the act of March 2, 1901.

Mr. SMITH of Iowa. This act created this judicial tribunal. It made it indispensable that the claims filed before the Commission should be defended. The law creates the Department of Justice, charged with the defense of claims against the United States, and under the authority creating the Department of Justice charged with the defense of claims and the law creating this Commission to adjudicate these claims, I insist there is authority of law for the payment of indispensable aids in the defense.

Mr. LACEY. I would like to ask the gentleman a question.

Mr. SMITH of Iowa. Certainly.

Mr. LACEY. How many years has this Commission been at work now?

Mr. SMITH of Iowa. About five years.

Mr. LACEY. I would like to ask him if he does not think it would be wise to transfer this entire business to the Court of Claims and quit this thing?

Mr. SMITH of Iowa. In this case the question was fully discussed. I have answered that quite fully. It would be a calamity, in my judgment.

The CHAIRMAN. What is the specific point of order made against this by the gentleman from New York [Mr. PERKINS].

Mr. PERKINS. I would say, Mr. Chairman, that the act creating the Commission in the first place creates the Commission and authorizes their pay. Of course, no point of order could be raised to that until the Commission had been abolished. But that is no portion of the $92,000. It then authorizes the Commission to appoint certain clerks. They are not provided for by this section. It says:

The President shall appoint one assistant attorney-general, who shall hold his office * * * It shall be the duty of the assistant attorney-general and assistant attorneys to appear as attorneys and counsel for the United States and defend the United States in all proceedings before the commission.

Now, the provision offered by the gentleman from Iowa provides generally for salaries and expenses in defense of claims, including the salary of the assistant attorney-general, all to be selected, and their compensation fixed, by the Attorney-General, $92,000.

I say, in the first place, there is no provision in the law that I find that authorizes the Attorney-General to fix these salaries. The only provision there is authorizes the President to appoint one assistant attorney-general, who, with other officers, presumably officers of the United States, not new offices to be created, but officers who shall attend to this business in connection with the other business imposed upon them, shall attend to the defense of suits. It needs no argument that where duties are imposed upon the Attorney-General's Office, that does not of itself authorize the creation of a new officer to be paid fees to be fixed by the Attorney-General himself.

Doubtless the officers of the Attorney-General's Office are not appointed under this statute. Their salaries are provided in regular appropriation bills for the Attorney-General's Office. That does not give any authority to make an appropriation of $90,000 for salaries of this kind. If they could appropriate $92,000, they could appropriate $192,000. If such discretion were given, they could create in this way, not by regular appropriation bills, not by the creation of an office, not by fixing their salaries, but by a gross appropriation for the expense of defense, any number of United States officials, at salaries to be fixed, not by this body, but by the Attorney-General.

Mr. WM. ALDEN SMITH. I would like to ask the gentleman from New York whether there is not authority in the Paris treaty of peace for this legislation? Certainly that is the organic law and furnishes ample warrant for this appropriation, if the act creating the Commission does not.

Mr. PERKINS. The treaty does not impose any responsibility to pay appropriations.

Mr. WM. ALDEN SMITH. It puts all the responsibility on the Government and necessitates the appropriation of money to give it effect.

Mr. PERKINS. It might impose a governmental responsibility, but it does not give the right to appropriate money or create United States officers and fix their salaries.

Mr. WM. ALDEN SMITH. It makes necessary the employment of such force as is required to give effect to its provisions and execute its terms; it is law; its function fully appears both in the treaty and in the act creating the Commission.

Mr. PERKINS. I must say I differ with the gentleman on that.

Mr. MANN. Could the treaty fix that?

The CHAIRMAN. The Chair is of the opinion that the amendment offered by the gentleman from Iowa follows with sufficient exactness the language of the statute. The Chair understands the point of order to be made because there is an attempt to appropriate by this section for some officers and employees that have not been created by the organic act.

Mr. PERKINS. The point of order is that it allows payment of salaries that are not authorized by law.

The CHAIRMAN. The Chair so understood.

Mr. PERKINS. This is the ordinary point of order made against appropriation bills.

The CHAIRMAN. Referring to the act that created the Spanish Board of Claims, this language will be found:

"All expenses, including salary and compensation of said Commission and of its officers and employees," showing that it would clearly contemplate officers provided for in the amendment of the gentleman from Iowa and necessary employees. From the language of the statute, the Chair is inclined to the opinion that the point of order is not well taken, and therefore overrules it.

Mr. SIMS. I offer this as a substitute to that paragraph.

The CHAIRMAN. The gentleman from Tennessee offers a substitute as an amendment to the paragraph.

The Clerk read as follows:

Substitute for the pending amendment the words "That the Spanish Treaty Claims Commission is hereby abolished."

Mr. SMITH of Iowa. Mr. Chairman, I make the point of order against that substitute, that it changes existing law.

The CHAIRMAN. The Chair sustains the point of order, on the ground that it is legislation and not germane.

Mr. SMITH of Iowa. Mr. Chairman, I wish to call attention to just a few lines in the hearings in support of this amendment:

Mr. SMITH. Mr. Fuller, the claims filed before the Spanish Treaty Claims Commission aggregated $60,000,000.
Mr. FULLER. $61,652,077.78.
Mr. SMITH. There were 542 in number, of which 221 have been finally disposed of.
Mr. FULLER. I believe that is the number. Possibly two or three more than that since that report was made.
Mr. SMITH. How much did the 221 cases involve?
Mr. FULLER. $10,764,647.51.
Mr. SMITH. Of the 321 cases undisposed of, how many are practically covered by the decisions already rendered so as to be disposed of, in all probability, unless an appeal is allowed?
Mr. FULLER. Well, simply an estimate that I would make would be 80 per cent.
Mr. SMITH. But what would you say as to the amount involved in cases that are covered by the decision already rendered and that are simply being held on the docket awaiting determination as to whether an appeal should be allowed or not?
Mr. FULLER. I don't believe I quite catch that question.
Mr. SMITH. How much is involved in this 80 per cent covered by the effect of decisions already rendered?
Mr. FULLER. I should estimate $40,000,000.

In other words, it appears from the hearings about two-fifths of the cases in number have been disposed of, and 80 per cent of the remaining three-fifths are covered by the principles annunciated in the cases already decided; so that I was more than correct when I stated that nine-tenths of the cases had been, in effect, disposed of, because a great deal more than nine-tenths have been, in effect, disposed of.

Now, I have listened to charges made against these Commissioners, but with that I have nothing to do and this appropriation has nothing to do; still I do think it only fair to these Commissioners to say that the evidence shows that they have always been ready to hear the cases whenever the Government counsel and the attorneys for the complainants or claimants were ready for trial.

Mr. SULLIVAN of Massachusetts. I agree with the gentleman in that, but does he think that they were always ready to compel the claimants to try their cases, to press their cases as expeditiously as they should?

Mr. SMITH of Iowa. I think the cases have been pressed just as expeditiously as the counsel for the Government could press them under the peculiar circumstances of this litigation.

Mr. SULLIVAN of Massachusetts. Do you not think that the Commission should have ordered the Assistant Attorney-General to move to dismiss many cases for lack of prosecution?

Mr. SMITH of Iowa. There have been no cases that have not been diligently prosecuted, except in this sense: The cases of certain claimants were subject to dismissal under the precedents established by the court. An application was made to Congress for the right of appeal, and the Commission has indulged these claimants until after the end of this session of Congress, to see whether Congress gives them the right of appeal from the announcement made by the Commission.

Mr. GAINES of Tennessee. Will the gentleman yield to me?

Mr. SMITH of Iowa. Certainly.

Mr. GAINES of Tennessee. The gentleman from Massachusetts has stated that there are certain of these Commissioners who practice law regularly at home. I want to know who they are? He says the record states that.

Mr. SMITH of Iowa. The gentleman from Massachusetts had better state that. It is true that some of the Commissioners practice law.

Mr. GAINES of Tennessee. Not Senator Chandler, I dare say.

Mr. SMITH of Iowa. There are some of the Commissioners who practice law, but they have always been here to try every case that was ready for trial. There has never been a delay of an hour because of the absence of any Commissioner, so that the inference of the gentleman is without any point.

Mr. HINSHAW. May I ask the gentleman a question?

Mr. SMITH of Iowa. Certainly.

Mr. HINSHAW. What is your estimate of the entire expense of this Commission during the five years of its life?

Mr. SMITH of Iowa. Oh, I can not give you accurate figures; something like six or seven hundred thousand dollars.

Mr. HINSHAW. What has been the amount of judgments rendered by this Commission which the United States will be obliged to pay?

Mr. SMITH of Iowa. About $300,000.

Mr. HINSHAW. So that about $1,000,000 is the aggregate expense of the Commission and its judgments, as against $60,000,000 of claims that were filed?

Mr. SMITH of Iowa. That is correct.

Mr. HINSHAW. Does the gentleman not consider, therefore, that from a business point of view the Commission has been a remunerative one for the Government of the United States, by reason of the money that it has saved in claims which the United States might otherwise have been compelled to pay?

Mr. SMITH of Iowa. I think so, in every sense.

Mr. SIMS. I should like to ask the gentleman a question.

Mr. SMITH of Iowa. Certainly.

Mr. SIMS. I offered my substitute, not through any fault that I have to find with the Commission, but it seems that the parties for whom it has been created are not taking advantage of it and that they are not pressing their claims, and I do not see any use in continuing a Commission that they do not take advantage of.

Mr. SMITH of Iowa: The gentleman is in error about that. Every case that can be filed before this Commission has been filed and is being prosecuted now.

Mr. TAWNEY. I move that all debate on the pending paragraph be now closed.

The motion was agreed to.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Iowa.

Mr. GAINES of Tennessee. I move to strike out the last word.

The CHAIRMAN. Debate is exhausted.

Mr. GAINES of Tennessee. I ask unanimous consent to place in the RECORD an extract from the committee hearings on the question of absentee Commissioners.

The CHAIRMAN. The gentleman from Tennessee asks unanimous consent to print certain statements in the RECORD. Is there objection?

There was no objection.

The matter referred to is as follows:

Mr. SULLIVAN. Are members of your Commission engaged in the private practice of law?
Mr. CHANDLER. Yes; Mr. Diekema and Mr. Wood have law firms at their home residences. Mr. Maury has law cases once in a while.
Mr. SULLIVAN. Have you any record of absenteeism of members of the Commission?
Mr. CHANDLER. I should not use that word "absenteeism." I should not consider it as applying. If you mean how much they have been here and how much at home, there is no record. All meetings of the Commission must be held here, and the construction never has been given by us to the law as requiring our constant attendance in Washington.
Mr. SULLIVAN. The law does not say so, and I did not think anyone ever construed it so—that they should give all of their time.
Mr. CHANDLER. No; we have not done that. I have not practiced law myself, although I have given a great deal of gratuitous advice on private or public questions to my friends. Mr. Fuller and his force have given continuous service, and have done no other law business, except that Mr. Hannis Taylor, who is the special counsel, and was formerly our minister to Spain, possibly has a law case once in a while. I know he is engaged in the case of Louisiana against Mississippi in the Supreme Court, and he went to London in the Alaska boundary case.
Mr. TAYLOR. He has no private law office?
Mr. CHANDLER. No, sir; and he is not, strictly speaking, an appointee of the Government. He is special counsel, employed on account of his ability, to assist Mr. Fuller.
Mr. TAYLOR. He has no existing firm?
Mr. CHANDLER. He has no existing firm. He goes to the Assistant Attorney-General's office every day, and practically gives his whole time to the business.
Mr. SULLIVAN. His salary as special counsel to the Commission went on while he was at London on the Alaska boundary case?
Mr. CHANDLER. Not salary; his monthly pay. He received $416 a month, and the State Department made him a further allowance of, I think, two or three thousand dollars.
Mr. SULLIVAN. Does he lecture at the George Washington University law school?
Mr. CHANDLER. Indeed he does, and so does Mr. Maury.
Mr. SULLIVAN. Mr. Chambers does not have any lecture engagements or private practice?
Mr. CHANDLER. No; Mr. Chambers's home is in Sheffield, Ala. Except in giving legal advice once in a while he has comparatively no private practice.
Mr. SULLIVAN. But Mr. Maury and yourself are the two members of the Commission who devote practically all their time to the affairs of the Commission?
Mr. CHANDLER. I do not devote all my time to it; I do lots of other things.
Mr. SULLIVAN. Such as you have enumerated here?
Mr. CHANDLER. Such as I have told you.
Mr. SULLIVAN. Can you tell me how much time out of each year Commissioner Diekema and Commissioner Wood devote to private practice?
Mr. CHANDLER. I would not undertake to say. I will give you the best idea I can. When their law firms have a case to be tried they help try the case, but so far as I judge they do very little office work or routine work at home.
Mr. SULLIVAN. They are rather active trial lawyers, are they not?
Mr. CHANDLER. They are the ablest trial lawyers in the United States—among the ablest.

The CHAIRMAN. Debate on the pending paragraph is ex-

hausted. The question is on the amendment offered by the gentleman from Iowa.

The question being taken, on a division (demanded by Mr. SIMS and Mr. PERKINS) there were—ayes 105, noes 21.

Accordingly the amendment was agreed to.

Mr. MANN. Mr. Chairman, I move to strike out the last word. I do that to ask unanimous consent to print in the RECORD a letter from Jane Addams in reference to the immigration bill.

The CHAIRMAN. The gentleman from Illinois asks unanimous consent to print in the RECORD the letter to which he refers. Is there objection?

There was no objection.

The letter is as follows:

HULL HOUSE, *Chicago, June 11, 1906.*

Hon. JOSEPH G. CANNON,
Speaker of House of Representatives, Washington, D. C.

MY DEAR MR. SPEAKER: Many of us in Chicago are much disturbed over the immigration legislation at present before Congress, and we venture to send to you some of the reasons for our concern.

The recent action of the Senate and the imminence of similar action in the House has taken by surprise many of those most interested in this extremely important question. The present proposals seem to us narrow and unwisely restrictive in some points and, on the other hand, to omit desirable regulation of immigration, such, for instance, as might be secured by a closer control of steerage conditions, as recommended by the immigration conference held in New York last December. The regulation of immigration affects not only the industry, racial composition, and future culture of America, but it immediately determines the fate of hundreds of helpless and inarticulate persons desiring to join their families and friends in this country and hundreds of others who come here to seek freedom or rather a bare security of life and property and an opportunity for their children. These people are intimately related by ties of kindred and friendship to the entire country, and we will, we believe, never be satisfied with the regulation of this great matter, which has taken on such unexpected proportions and changed so greatly in character during the past decade, until it is made the subject of careful, impartial, and full inquiry, apart from the pressure of political debate and party motives. Because a similar bill passed the Senate after only a few hours' debate, we venture to urge upon your attention as a substitute some such legislation as was proposed in Mr. BARTHOLDT'S resolution (H. J. Res. 161) establishing a joint commission of inquiry into the subject of immigration, providing, however, for a widening of the scope of the committee to include persons outside the Legislature, but fitted by experience or knowledge to be of special value as coworkers on such a commission. To state briefly our objections to some of the provisions embodied in H. R. 17941:

(1) *Sec. 1, H. R. 17941.*—The increased head tax is repugnant to us unless it can be proved that this is a sine qua non for defraying the expenses of bureaus of information planned to enable the immigrants to distribute themselves better. The proviso whereby the income of the proposed head tax in excess of a certain sum should be diverted from the immigrant fund altogether is especially objectionable. It seems unworthy of our country to mulct immigrants in sums so petty yet so important to themselves and to thereby distinctly lessen their chance of success in their adopted country.

(2) *Sec. 2.*—In regard to exclusion on specified physical and medical grounds, we object to the present bill both for some of its new provisions and because it does not amend the present law in certain respects in which we feel that it needs modification. While a general restrictive provision as regards persons likely to be physically dangerous or financially burdensome is obviously justifiable, it should be accompanied, in our opinion, by discretionary power to admit in special cases.

For instance, the proposed legislation excluding persons who have been insane seems to us preposterous, standing, as it does, without qualification. It is easy to see how cases might arise in which this provision would separate families and exclude persons financially independent, physically sound, and entirely desirable as citizens. Persons are sometimes insane temporarily as a result of childbirth, a simple tumor, or of other passing causes which do not affect their future health or that of their descendants.

In regard to the feeble-minded and imbecile we have to do with a permanent condition, but here, too, there should be discretion. Take the case of a father established in America with the elder children, while the wife and the younger ones are to follow later. Meanwhile the baby has scarlet fever and is left with arrested brain development. The wife must desert either her husband and elder boys and girls or the helpless child. A friend of mine in a similar case saw a poor woman from Russia before the court of special inquiry swoon away and drop to the ground when she learned that her little child was debarred as an idiot. She was herself in a condition which precluded her going back with her baby. He had to be taken away from her and sent home with an elder sister.

As the law now stands there is no power on earth that can alter this result. In regard to all the persons debarred on medical grounds the word of the medical inspector is final. If he finds himself obliged to report idiocy, insanity, or a previous attack of insanity within five years, there is no appeal and no alternative to deportation. Neither the Secretary of Commerce and Labor nor the President of the United States nor any other person can interfere.

The proposed law adds to this list of cases, in which there is no appeal, all cases previously insane, the feeble-minded and imbecile, the tuberculous, and persons certified to be of a low vitality or poor physique, such as would incapacitate them for self-support. My contention is that not only does the law, as it now stands, imperatively need modification, lodging somewhere the power to make exceptions to hard and fast rules in suitable cases, but that this fault in the direction of lack of elasticity is made far more dangerous by the inclusion of the proposed new categories. It is clear that to frame such provisos is a matter requiring careful deliberation and consultation with officials charged with administering the law who best understand the kind of cases in which our laws work unnecessary hardship.

In regard to the exclusion of boys and girls under 16 coming without their parents, this is liable to work very badly. Suppose a man in America whose wife dies abroad and who asks his sister to bring his children to him. I have personally known many such cases. In regard to other points involved in this section, such as modification of the law as to contract labor and assisted immigration, there are undoubtedly also points which deserve further consideration.

(3) *Section 3.*—In this section dealing with the importation of women for immoral purposes we note with surprise that the present provisions appear to be weakened by adding the qualifying terms "alien" woman, "knowingly" hold, and by striking out the minimum limit of the term of imprisonment, leaving a maximum limit only. It seems to us unfortunate, to say the least, that in a law the general tendency of which is in the direction of greater stringency there should be a relaxation on this point.

(4) *Section 12,* requiring lists of passengers leaving the country, is one we heartily desire to see carried out.

(5) *Section 20.*—The effect of extending the time during which deportation is permissible from two years to three is one on which the representatives of public and private charitable boards should be consulted at length. It is an important point. It might be wise to consider part of the immigrant fund (if necessary, receipts from an increased tax) as an insurance for the expenses of return in case of necessity, and to allow deportation at the expense of this fund at any time to any person with the proviso that such deportation should bar reentry unless the expenses of such deportation were reimbursed. This would lessen our difficulties in times of depression, carrying home part of the unemployed, and would solve the difficulties of many stranded and unhappy persons who have proved misfits in this country, to the unspeakable benefit of themselves and the community. New York has long followed such a policy as a State, and with excellent results.

(6) *Section 36.*—It is to be considered whether the provisions of section 36 could not advantageously be somewhat extended.

(7) *Section 38.*—The illiteracy test does not seem to us a reasonable or a desirable one, but we have to admit that this subject has been largely discussed, and will not here submit any further arguments. We do believe, however, that there are valid reasons against regarding it as a fair or useful test, which a commission such as is urged in this letter should and would consider.

(8) *Section 39.*—In regard to the requirement of a fixed sum of money as a requisite for admission, we feel strongly opposed. Such a requirement is a two-edged weapon. In practice it would be very likely to take the place of a more particular inquiry as to the likelihood of self-support, which it by no means guarantees. It would also tend to give the impression to those proposing to immigrate that $50 for a family or $25 for an individual was a sufficient sum in hand with which to enter the United States, and so mislead them—to their cost and ours. On the other hand, it would exclude persons perfectly competent to support themselves and entirely desirable immigrants. For instance, immigrants entering at Galveston, so-called "home-seekers," without address or acquaintance and with practically no money, find at present instant employment with transportation to the place of work, and the scene on the Galveston wharf is one where railroad agents are making offers of employment which the immigrants are weighing and comparing while holding out for better terms. Under such circumstances $25 in hand is not a matter of importance to the immigrants or to us. In New York the situation is very different.

This brings up a third point with regard to this matter. We should hope to see such a commission as is desired consider the advisability of legislation framed to direct immigrants to the districts where they are needed. For instance, it might seem wise to require a given sum in hand of immigrants who are not paying their transportation to such States as offer a field for immigrants. Thus an immigrant might, under proper circumstances, be allowed to land without that sum in Texas, or in New York if he had a ticket through, let us say, to Colorado; while he would not be admitted in New York or Boston unless he had either the required amount or a ticket west or south. This is a rough suggestion, but some such device might be employed to help divert the current from the congested centers.

(9) Further provisions which we should hope to see such a commission consider would be stringent requirements as to conditions on shipboard, making steerage accommodations virtually as good as the present second class. This would be desirable on many accounts.

We should also hope that such a commission would consider the advisability of having a United States inspector and a United States matron on board all immigrant ships to look after the conditions of comfort, health, and morals afforded the passengers, to learn to know their character, and to give them information such as the contemplated bureaus of information would also furnish.

Another proposal which might be discussed is to have a staff for medical examination only at the ports of embarkation, this examination to take the place of that on arriving in the United States and to be final, except in cases of appeal.

This letter has run to an unexpected length, but it seemed necessary to adduce all the points mentioned to show what seem to us valid reasons for urging the inadvisability of the bill in its present shape, and of this or of any other legislation until after a far more complete and modern inquiry into the whole matter than has yet been made.

Feeling sure that you will accept our interest in this matter as an explanation of this letter, I am,

Faithfully, yours, JANE ADDAMS.

The Clerk read as follows:

Enforcement of antitrust laws: That the balance of the appropriation of $500,000 for the enforcement of the provisions of the act entitled "An act to regulate commerce," approved February 4, 1887, and all acts amendatory thereof or supplemental thereto, and other acts mentioned in said appropriation, made in the legislative, executive, and judicial appropriation act for the fiscal year 1904, approved February 25, 1903, shall continue available during the fiscal year 1907.

Mr. CLARK of Missouri. Mr. Chairman, I move to strike out the last word in order to ask the gentleman from Minnesota, chairman of the committee, a question. Did not the gentleman make an agreement with Mr. WILLIAMS last night that the committee would rise at 5 o'clock?

Mr. TAWNEY. No; I said I would try to have the committee rise, and I am going to in about five minutes.

Mr. CLARK of Missouri. Why does not the gentleman try now?

Mr. TAWNEY. I want to have read the paragraph following and then we will rise, because, as I understand, they want to call up the conference report on the statehood bill.

Mr. BARTLETT. I move to strike out the last word.

Mr. TAWNEY. Mr. Chairman, I move that the committee do now rise. First, however, I will yield to the gentleman from Ohio [Mr. BURTON].

The CHAIRMAN. But the Chair has recognized the gentleman from Georgia.

Mr. BARTLETT. I hope, Mr. Chairman, that my amendment will be considered as pending.

The CHAIRMAN. The gentleman's amendment will be considered as pending.

Mr. BURTON of Ohio. Mr. Chairman, I ask unanimous consent that when the subdivision pertaining to the isthmian canal is reached I may have leave to address the House for one hour on the subject of the type of canal to be adopted.

The CHAIRMAN. The gentleman from Ohio asks unanimous consent that when the item in reference to the isthmian canal is reached he may have one hour. Is there objection?

Mr. SIMS. Mr. Chairman, I do not object to that, but I think if some other gentleman wants to advocate another type of canal, he ought to be given an hour in opposition.

The CHAIRMAN. Is there objection? [After a pause.] The Chair hears none.

Mr. BARTLETT. Mr. Chairman, did I understand the Chair to state that an amendment to the section read would be in order to-morrow?

The CHAIRMAN. The Chair thinks so.

The motion of Mr. TAWNEY, that the committee rise, was then agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. WATSON, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the sundry civil appropriation bill and had come to no resolution thereon.

STATEHOOD BILL.

Mr. HAMILTON. Mr. Speaker, I call up the conference report on the bill (H. R. 12707) known as the "statehood bill."

The SPEAKER. The gentleman from Michigan calls up the bill of which the Clerk will report the title.

The Clerk read as follows:

An act (H. R. 12707) to enable the people of Oklahoma and Indian Territory to form a constitution and State government and be admitted into the Union on an equal footing with the original States; and to enable the people of New Mexico and Arizona to form a constitution and State government and be admitted into the Union on an equal footing with the original States.

Mr. HAMILTON. Mr. Speaker, I ask unanimous consent to waive the reading of the report and the statement.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

The conference report and statement are as follows:

CONFERENCE REPORT.

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 12707) to enable the people of Oklahoma and of the Indian Territory to form a constitution and State government and be admitted into the Union on an equal footing with the original States; and to enable the people of New Mexico and of Arizona to form a constitution and State government and be admitted into the Union on an equal footing with the original States, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 37 and 38.

That the House recede from its disagreement to the amendments of the Senate numbered 18, 19, 20, 21, 22, 23, 24, 25, 26, 28, 29, 30, 31, 32, 33, 34, 35, 36, and 39, and agree to the same.

That the House recede from its disagreement to the amendments of the Senate numbered 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, and 16, inclusive, and agree to the same with an amendment as follows: In lieu of the amended section insert the following:

"SEC. 2. That all male persons over the age of twenty-one years who are citizens of the United States, or who are members of any Indian nation or tribe in said Indian Territory and Oklahoma, and who have resided within the limits of said proposed State for at least six months next preceding the election, are hereby authorized to vote for and choose delegates to form a constitutional convention for said proposed State, and all persons qualified to vote for said delegates shall be eligible to serve as delegates; and the delegates to form such convention shall be one hundred and eleven in number, fifty-five of whom shall be elected by the people of the Territory of Oklahoma and fifty-five by the people of Indian Territory, and one shall be elected by the electors residing in the Osage Indian Reservation in the Territory of Oklahoma; and the governor, the chief justice, and the secretary of the Territory of Oklahoma shall apportion the Territory of Oklahoma into fifty-five districts, as nearly equal in population as may be, which apportionment shall not include the Osage Indian Reservation, but said Osage Indian Reservation shall constitute one election district, and the governor, the chief justice, and the secretary of the Territory of Oklahoma shall appoint an election commissioner who shall establish voting precincts in said Osage Indian Reservation, and shall appoint the judges for election in said Osage Reservation; and the Commissioner to the Five Civilized Tribes, and two judges of the United States courts for the Indian Territory, to be designated by the President, shall constitute a board, which shall apportion the said Indian Territory into fifty-five districts, as nearly equal in population as may be, and one delegate shall be elected from each of said districts; and the governor of said Oklahoma Territory, together with the judge senior in service of the United States courts in Indian Territory, shall, by proclamation in which such apportionment shall be fully specified and announced, order an election of the delegates aforesaid in said proposed State at a time designated by them within six months after the approval of this act, which proclamation shall be issued at least sixty days prior to the time of holding said election of delegates. The election for delegates in the Territory of Oklahoma and in said Indian Territory shall be conducted, the returns made, the result ascertained, and the certificates of all persons elected to such convention issued in the same manner as is prescribed by the laws of the Territory of Oklahoma regulating elections for Delegates to Congress. That the election laws of the Territory of Oklahoma now in force, as far as applicable and not in conflict with this act, including the penal laws of said Territory of Oklahoma relating to elections and illegal voting, are hereby extended to and put in force in said Indian Territory until the legislature of said proposed State shall otherwise provide, and until all persons offending against said laws in the election aforesaid shall have been dealt with in the manner therein provided. And the United States courts of said Indian Territory shall have the same power to enforce the laws of the Territory of Oklahoma, hereby extended to and put in force in said Territory, as have the courts of the Territory of Oklahoma: *Provided, however*, That said board to apportion districts in Indian Territory shall, for the purpose of said election, appoint an election commissioner for each district who shall distribute all ballots and election supplies to the several precincts in his district, receive the election returns from the judges in precincts, and deliver the same to the canvassing board therein named, establish and define the necessary election precincts, and appoint three judges of election for each precinct, not more than two of whom shall be of the same political party, which judges may appoint the necessary clerk or clerks; that said judges of election, so appointed, shall supervise the election in their respective precincts, and canvass and make due return of the vote cast, to the election commissioner for said district, who shall deliver said returns, poll books, and ballots to said board, which shall constitute the ultimate and final canvassing board of said election, and they shall issue certificates of election to all persons elected to such convention from the various districts of the Indian Territory, and their certificates of election shall be prima facie evidence as to the election of delegates: *Provided further*, That in said Indian Territory and Osage Indian Reservation nominations for delegate to said constitutional convention may be made by convention by the Republican, Democratic, and People's Party, or by petition in the manner provided by the laws of the Territory of Oklahoma; and certificates and petitions of nomination in said Indian Territory shall be filed with the districting and canvassing board, who shall perform the duties of election commissioner under said laws, and shall prepare, print, and distribute all ballots, poll books, and election supplies necessary for the holding of said election under said laws. The capital of said State shall temporarily be at the city of Guthrie, in the present Territory of Oklahoma, and shall not be changed therefrom previous to anno Domini nineteen hundred and thirteen, but said capital shall, after said year, be located by the electors of said State at an election to be provided for by the legislature: *Provided, however*, That the legislature of said State, except as shall be necessary for the convenient transaction of the public business of said State at said capital, shall not appropriate any public moneys of the State for the erection of buildings for capitol purposes during such period."

And the Senate agree to the same.

Amendment numbered 17: That the House recede from its disagreement to the amendment of the Senate numbered 17, and agree to the same with an amendment as follows: Strike out "or in which the United States maintained laws prohibiting the

traffic in intoxicating liquors." And the Senate agree to the same.

Amendment numbered 27: That the House recede from its disagreement to the amendment of the Senate numbered 27, and agree to the same with an amendment as follows: Strike out all of said amendment and insert:

"Where any part of the lands granted by this act to the State of Oklahoma are valuable for minerals, which term shall also include gas and oil, such lands shall not be sold by the said State prior to January first, nineteen hundred and fifteen; but the same may be leased for periods not exceeding five years by the State officers duly authorized for that purpose, such leasing to be made by public competition after not less than thirty days' advertisement in the manner to be prescribed by law, and all such leasing shall be done under sealed bids and awarded to the highest responsible bidder. The leasing shall require and the advertisement shall specify in each case a fixed royalty to be paid by the successful bidder, in addition to any bonus offered for the lease, and all proceeds from leases shall be covered into the fund to which they shall properly belong, and no transfer or assignment of any lease shall be valid or confer any right in the assignee without the consent of the proper State authorities in writing: *Provided, however*, That agricultural lessees in possession of such lands shall be reimbursed by the mining lessees for all damage done to said agricultural lessees' interest therein by reason of such mining operations. The legislature of the State may prescribe additional legislation governing such leases not in conflict herewith."

And the Senate agree to the same.

Amendment numbered 40: That the House recede from its disagreement to the amendment of the Senate numbered 40, and agree to same with an amendment as follows: In lieu of the matter stricken out by said amendment insert the following:

"SEC. 23. That the inhabitants of all that part of the area of the United States now constituting the Territories of Arizona and New Mexico, as at present described, may become the State of Arizona, as hereinafter provided.

"SEC. 24. That all qualified electors of said Territories, respectively, as described in this act, are hereby authorized to vote for and choose delegates to form a convention for said Territories; such delegates shall possess the qualifications of such electors. The aforesaid convention shall consist of one hundred and ten delegates, sixty-six of which delegates shall be elected to said convention by the people of the Territory of New Mexico and forty-four by the people of the Territory of Arizona; and the governors, chief justices, and secretaries of each of said Territories, respectively, shall apportion the delegates to be thus elected from their respective Territories, as nearly as may be, equitably among the several counties thereof in accordance with the population as shown by the Federal census of nineteen hundred; and such governors, respectively, shall, within twenty days after the approval of this act by the President of the United States, by proclamation, in which such apportionment shall be fully specified and announced, order an election of the delegates aforesaid in their respective Territories, to be held on the fifth Tuesday after the approval of this act as aforesaid; and the proper officials, as now provided by law in each of said Territories, respectively, shall immediately upon the approval of this act make, or cause to be made, as the case may be, in time for the election, a supplemental or general registration, as may be necessary, of the male citizens of the United States over the age of twenty-one years who shall have resided in said Territories, respectively, for six months, in the county for ninety days, and in the precinct, ward, or election district where they are to vote thirty days next preceding the date fixed for said election, whose names shall be placed upon or added to the great registers, or registration lists, as the case may be, exhibiting the names of the qualified voters of said Territories, respectively. And the persons so qualified shall be entitled to be so registered and to vote for delegates to the constitutional convention. Such election for delegates shall be conducted, the returns made, and the certificates of persons elected to such convention issued, as near as may be, in the same manner as is prescribed by the laws of said Territories, respectively, regulating elections therein of members of the legislature, save that not more than two judges of each of the election boards holding elections under this act shall be of the same political party: *Provided*, That the secretary, or other proper officer, of the Territory of Arizona, into whose hands the result of said election in the Territory of Arizona finally comes, shall immediately transmit and certify the same to the secretary of the Territory of New Mexico, at Santa Fe. Persons possessing the qualifications entitling them to vote for delegates to the constitutional convention under this act shall be entitled to vote on the ratification or rejection of the constitution submitted to the people of said Territories hereunder, and on the election of all officials whose election is taking place at the same time, under such rules or regulations as said convention may prescribe, not in conflict with this act: *Provided*, That said registration lists shall answer for both or all such elections.

"SEC. 25. That the delegates to the convention thus elected shall meet in the hall of the house of representatives of the Territory of New Mexico, in the city of Santa Fe therein, on the second Monday after their election, but they shall not receive compensation for more than thirty days of service, and after organization shall declare on behalf of the people of said proposed State that they adopt the Constitution of the United States, whereupon the said convention shall be, and is hereby, authorized to form a constitution and State government for said proposed State. The constitution shall be republican in form, and make no distinction in civil or political rights on account of race or color, except as to Indians not taxed, and shall not be repugnant to the Constitution of the United States and the principles of the Declaration of Independence. And said convention shall provide, by ordinance irrevocable without the consent of the United States and the people of said State—

"First. That perfect toleration of religious sentiment shall be secured, and that no inhabitant of said State shall ever be molested in person or property on account of his or her mode of religious worship; and that polygamous or plural marriages and the sale, barter, or giving of intoxicating liquors to Indians are forever prohibited.

"Second. That the people inhabiting said proposed State do agree and declare that they forever disclaim all right and title to the unappropriated and ungranted public lands lying within the boundaries thereof and to all lands lying within said limits owned or held by any Indian or Indian tribes, except as hereinafter provided, and that until the title thereto shall have been extinguished by the United States the same shall be and remain subject to the disposition of the United States, and such Indian lands shall remain under the absolute jurisdiction and control of the Congress of the United States; that the lands and other property belonging to citizens of the United States residing without the said State shall never be taxed at a higher rate than the lands and other property belonging to residents thereof; that no taxes shall be imposed by the State on lands or property therein belonging to or which may hereafter be purchased by the United States or reserved for its use; but nothing herein, or in the ordinance herein provided for, shall preclude the said State from taxing, as other lands and other property are taxed, any lands and other property owned or held by any Indian who has severed his tribal relations and has obtained from the United States or from any person a title thereto by patent or other grant, save and except such lands as have been or may be granted to any Indian or Indians under any act of Congress containing a provision exempting the lands thus granted from taxation, but said ordinance shall provide that all such lands shall be exempt from taxation by said State so long and to such extent as such act of Congress may prescribe.

"Third. That the debts and liabilities of said Territory of Arizona and of said Territory of New Mexico shall be assumed and paid by said State, and that said State shall be subrogated to all the rights of indemnity and reimbursement which either of said Territories now has.

"Fourth. That provision shall be made for the establishment and maintenance of a system of public schools, which shall be open to all the children of said State and free from sectarian control; and that said schools shall always be conducted in English: *Provided*, That nothing in this act shall preclude the teaching of other languages in said public schools.

"Fifth. That said State shall never enact any law restricting or abridging the right of suffrage on account of race, color, or previous condition of servitude, and that ability to read, write, and speak the English language sufficiently well to conduct the duties of the office without the aid of an interpreter shall be a necessary qualification for all State officers.

"Sixth. That the capital of said State shall temporarily be at the city of Santa Fe, in the present Territory of New Mexico, and shall not be changed therefrom previous to anno Domini nineteen hundred and fifteen, but the permanent location of said capital may, after said year, be fixed by the electors of said State, voting at an election to be provided for by the legislature.

"SEC. 26. That in case a constitution and State government shall be formed in compliance with the provisions of this act, the convention forming the same shall provide by ordinance for submitting said constitution to the people of said proposed State for its ratification or rejection, at an election to be held on the

sixth day of November, nineteen hundred and six, at which election the qualified voters of said proposed State shall vote directly for or against the proposed constitution and for or against any provisions thereof separately submitted. The returns of said election shall be made by the election officers direct to the secretary of the Territory of New Mexico at Santa Fe; who, with the governors and chief justices of said Territories, or any four of them, shall meet at said city of Santa Fe on the third Monday after said election and shall canvass the same; and if a majority of the legal votes cast on that question in each of said Territories shall be for the constitution the said canvassing board shall certify the result to the President of the United States, together with the statement of the votes cast thereon, and upon separate articles or propositions, and a copy of said constitution, articles, propositions, and ordinances. And if the constitution and government of said proposed State are republican in form, and if the provisions in this act have been complied with in the formation thereof, it shall be the duty of the President of the United States, within twenty days from the receipt of the certificate of the result of said election and the statement of the votes cast thereon and a copy of said constitution, articles, propositions, and ordinances from said board, to issue his proclamation announcing the result of said election, and thereupon the proposed State shall be deemed admitted by Congress into the Union, under and by virtue of this act, under the name of Arizona, on an equal footing with the original States, from and after the date of said proclamation.

"The original of said constitution, articles, propositions, and ordinances, and the election returns, and a copy of the statement of the votes cast at said election shall be forwarded and turned over by the secretary of the Territory of New Mexico to the State authorities.

"SEC. 27. That until the next general census, or until otherwise provided by law, said State shall be entitled to two Representatives in the House of Representatives of the United States, which Representatives, together with the governor and other officers provided for in said constitution, and also all other State and county officers, shall be elected on the same day of the election for the adoption of the constitution; and until said State officers are elected and qualified under the provisions of the constitution, and the State is admitted into the Union, the Territorial officers of said Territories, respectively, including Delegates to Congress, shall continue to discharge the duties of their respective offices in said Territories until their successors are duly elected and qualified.

"SEC. 28. That upon the admission of said State into the Union there is hereby granted unto it, including the sections thereof heretofore granted, four sections of public land in each township in the proposed State for the support of free public nonsectarian common schools, to wit: Sections numbered thirteen, sixteen, thirty-three, and thirty-six, and where such sections or any parts thereof have been sold or otherwise disposed of by or under the authority of any act of Congress other lands equivalent thereto, in legal subdivisions of not less than one quarter section and as contiguous as may be to the section in lieu of which the same is taken; such indemnity lands to be selected within said respective portions of said State in the manner provided in this act: *Provided*, That the thirteenth, sixteenth, thirty-third, and thirty-sixth sections embraced in permanent reservations for national purposes shall not at any time be subject to the grants nor to the indemnity provisions of this act, but other lands equivalent thereto may be selected for such school purposes in lieu thereof; nor shall any lands embraced in Indian, military, or other reservations of any character be subject to the grants of this act, but such reservation lands shall be subject to the indemnity provisions of this act: *Provided*, That nothing in this act contained shall repeal or affect any act of Congress relating to the Casa Grande Ruin as now defined or as may be hereafter defined or extended, or the power of the United States over it, or any other lands embraced in the State hereafter set aside by Congress as a national park, game preserve, or for the preservation of objects of archæological or ethnological interest; and nothing contained in this act shall interfere with the rights and ownership of the United States in any land hereafter set aside by Congress as national park, game preserve, or other reservation, or in the said Casa Grande Ruin as it now is or may be hereafter defined or extended by law, but exclusive legislation, in all cases whatsoever, shall be exercised by the United States, which shall have exclusive control and jurisdiction over the same; but nothing in this proviso contained shall be construed to prevent the service within said Casa Grande Ruin, or national parks, game preserves, and other reservations hereafter established by law, of civil and criminal processes lawfully issued by the authority of said State; and said lands shall not be subject at any time to the school grants of this act that may be embraced within the metes and bounds of the national park, game preserve, and other reservation, or the said Casa Grande Ruin, as now defined or may be hereafter defined; but other lands equivalent thereto may be selected for such school purposes hereinbefore provided in lieu thereof.

"SEC. 29. That three hundred sections of the unappropriated nonmineral public lands within said State, to be selected and located in legal subdivisions, as provided in this act, are hereby granted to said State for the purpose of erecting legislative, executive, and judicial public buildings in the same, and for the payment of the bonds heretofore or hereafter issued therefor.

"SEC. 30. That the lands granted to the Territory of Arizona by the act of February eighteenth, eighteen hundred and eighty-one, entitled 'An act to grant lands to Dakota, Montana, Arizona, Idaho, and Wyoming for university purposes,' are hereby vested in the proposed State to the extent of the full quantity of seventy-five sections, and any portion of said lands that may not have been selected by said Territory of Arizona may be selected by the said State. In addition to the foregoing, and in addition to all lands heretofore granted for such purpose, there shall be, and hereby is, granted to said State, to take effect when the same is admitted to the Union, three hundred sections of land, to be selected from the public domain within said State in the same manner as provided in this act, and the proceeds of all such lands shall constitute a permanent fund, to be safely invested and held by said State, and the income thereof be used exclusively for university purposes. The schools, colleges, and universities provided for in this act shall forever remain under the exclusive control of the said State, and no part of the proceeds arising from the sale or disposal of any lands herein granted for educational purposes shall be used for the support of any sectarian or denominational school, college, or university.

"SEC. 31. That nothing in this act shall be so construed, except where the same is so specifically stated, as to repeal any grant of land heretofore made by any act of Congress to either of said Territories, but such grants are hereby ratified and confirmed in and to said State, and all of the land that may not, at the time of the admission of said State into the Union, have been selected and segregated from the public domain, may be so selected and segregated in the manner provided in this act.

"SEC. 32. That five per centum of the proceeds of the sales of public lands lying within said State which shall be sold by the United States subsequent to the admission of said State into the Union, after deducting all the expenses incident to the same, shall be paid to the said State to be used as a permanent fund, the interest of which only shall be expended for the support of the common schools within said State. And there is hereby appropriated, out of any moneys in the Treasury not otherwise appropriated, the sum of five million dollars for the use and benefit of the common schools of said State. Said appropriation shall be paid by the Treasurer of the United States at such time and to such person or persons as may be authorized by said State to receive the same under laws to be enacted by said State, and until said State shall enact such laws said appropriation shall not be paid. Said appropriation of five million dollars shall be held inviolable and invested by said State, in trust, for the use and benefit of said schools.

"SEC. 33. That all lands herein granted for educational purposes may be appraised and disposed of only at public sale, the proceeds to constitute a permanent school fund, the income from which only shall be expended in the support of said schools. But said lands may, under such regulations as the legislature shall prescribe, be leased for periods of not more than ten years, and such common school land shall not be subject to preemption, homestead entry, or any other entry under the land laws of the United States, whether surveyed or unsurveyed, but shall be reserved for school purposes only.

"SEC. 34. That in lieu of the grant of land for purposes of internal improvement made to new States by the eighth section of the act of September fourth, eighteen hundred and forty-one, which section is hereby repealed as to the proposed State, and in lieu of any claim or demand by the said State under the act of September twenty-eighth, eighteen hundred and fifty, and section twenty-four hundred and seventy-nine of the Revised Statutes, making a grant of swamp and overflowed lands to certain States, which grant it is hereby declared is not extended to the said State, and in lieu of any grant of saline lands to said State, save as heretofore made, the following grants of land from public lands of the United States within said State are hereby made, to wit:

"For the establishment and maintenance and support of insane asylums in the said State, two hundred thousand acres; for penitentiaries, two hundred thousand acres; for schools for

the deaf, dumb, and the blind, two hundred thousand acres; for miners' hospitals, for disabled miners, one hundred thousand acres; for normal schools, two hundred thousand acres; for State charitable, penal, and reformatory institutions, two hundred thousand acres; for agricultural and mechanical colleges, three hundred thousand acres; *Provided*, That the two national appropriations heretofore annually paid to the two agricultural and mechanical colleges of said Territories, respectively, shall, until the further order of Congress, continue to be paid to said State for the use of said respective institutions; for schools of mines, two hundred thousand acres; for military institutes, two hundred thousand acres.

"SEC. 35. That all lands granted in quantity or as indemnity by this act shall be selected, under the direction of the Secretary of the Interior, from the unappropriated public lands of the United States within the limits of the said State, by a commission composed of the governor, surveyor-general, and attorney-general of said State; and no fees shall be charged for passing the title to the same or for the preliminary proceedings thereof.

"SEC. 36. That all mineral lands shall be exempted from the grants made by this act; but if any portion thereof shall be found by the Department of the Interior to be mineral lands, said State, by the commission provided in section thirty-five hereof, under the direction of the Secretary of the Interior, is hereby authorized and empowered to select, in legal subdivisions, an equal quantity of other unappropriated lands in said State in lieu thereof.

"SEC. 37. That the said State, when admitted as aforesaid, shall constitute two judicial districts, to be named, respectively, the eastern and western districts of Arizona, the boundaries of said districts to be the same as the boundaries of said Territories, respectively, and the circuit and district court of said districts shall be held, respectively, at Albuquerque and Phoenix for the time being, and the said districts shall, for judicial purposes, until otherwise provided, be attached to the ninth judicial circuit. There shall be appointed for each of said districts one district judge, one United States attorney, and one United States marshal. The judge of each of said districts shall receive a yearly salary the same as other similar judges of the United States, payable as provided for by law, and shall reside in the district to which he is appointed. There shall be appointed clerks of said courts, who shall keep their offices at said Albuquerque and Phoenix, in said State. The regular terms of said courts shall be held in said districts, at the places aforesaid, on the first Monday in April and the first Monday in November of each year, and one grand jury shall be summoned in each year in each of said circuit and district courts. The circuit and district courts for said districts, and the judges thereof, respectively, shall possess the same powers and jurisdiction and perform the same duties required to be performed by the other circuit and district courts and judges of the United States, and shall be governed by the same laws and regulations. The marshal, district attorney, and clerks of the circuit and district courts of said districts, and all other officers and persons performing duties in the administration of justice therein, shall severally possess the powers and perform the duties lawfully possessed and required to be performed by similar officers in other districts of the United States, and shall, for the services they may perform, receive the fees and compensation now allowed by law to officers performing similar services for the United States in the Territories of Arizona and New Mexico, respectfively.

"SEC. 38. That all cases of appeal or writ of error heretofore prosecuted and now pending in the Supreme Court of the United States upon any record from the supreme court of either of said Territories, or that may hereafter lawfully be prosecuted upon any record from said courts, may be heard and determined by said Supreme Court of the United States. And the mandate of execution or of further proceedings shall be directed by the Supreme Court of the United States to the circuit or district courts, respectively, hereby established within the said State or to the supreme court of such State, as the nature of the case may require. And the circuit, district, and State courts herein named shall, respectively, be the successors of the supreme courts of the said Territories as to all such cases arising within the limits embraced within the jurisdiction of such courts, respectively, with full power to proceed with the same and award mesne or final process therein; and that from all judgments and decrees of the supreme courts of the said Territories mentioned in this act, in any case arising within the limits of the proposed State prior to admission, the parties to such judgment shall have the same right to prosecute appeals and writs of error to the Supreme Court of the United States or to the circuit court of appeals as they shall have had by law prior to the admission of said State into the Union.

"SEC. 39. That in respect to all cases, proceedings, and matters now pending in the supreme or district courts of the said Territories at the time of the admission into the Union of the said State, the courts established by such State shall, respecthe circuit or district courts by this act established might have had jurisdiction under the laws of the United States had such courts existed at the time of the commencement of such cases, the said circuit and district courts, respectively, shall be the successors of said supreme and district courts of said Territories, respectively; and in respect to all other cases, proceedings, and matters pending in the supreme or district courts of the said Territories at the time of the admission of such Territories into the Union, arising within the limits of said State, the courts established by such State shall, respectively, be the successors of said supreme and district Territorial courts; and all the files, records, indictments, and proceedings relating to any such cases shall be transferred to such circuit, district, and State courts, respectively, and the same shall be proceeded with therein in due course of law; but no writ, action, indictment, cause, or proceeding now pending, or that prior to the admission of the State shall be pending, in any Territorial court in said Territories shall abate by the admission of such State into the Union, but the same shall be transferred and proceeded with in the proper United States circuit, district, or State court, as the case may be: *Provided, however*, That in all civil actions, causes, and proceedings in which the United States is not a party transfers shall not be made to the circuit and district courts of the United States except upon cause shown by written request of one of the parties to such action or proceeding filed in the proper court; and in the absence of such request such cases shall be proceeded with in the proper State courts.

"SEC. 40. That the constitutional convention shall by ordinance provide for the election of officers for a full State government, including members of the legislature and two Representatives in Congress, at the time for the election for the ratification or rejection of the constitution; one of which Representatives shall be chosen from a Congressional district comprised of the present Territory of Arizona, to be known as the First Congressional district, and the other from a Congressional district comprised of the remainder of said State, to be known as the Second Congressional district; but the said State government shall remain in abeyance until the State shall be admitted into the Union as proposed by this act. In case the constitution of said State shall be ratified by a majority of the legal voters in each of said Territories voting at the election held therefor as hereinbefore provided, but not otherwise, the legislature thereof may assemble at Santa Fe, organize, and elect two Senators of the United States in the manner now prescribed by the laws of the United States; and the governor and secretary of state of the proposed State shall certify the election of the Senators and Representatives in the manner required by law, and when such State is admitted into the Union, as provided in this act, the Senators and Representatives shall be entitled to be admitted to seats in Congress and to all rights and privileges of Senators and Representatives of other States in the Congress of the United States; and the officers of the State government formed in pursuance of said constitution, as provided by the constitutional convention, shall proceed to exercise all the functions of State officers; and all laws of said Territories in force at the time of their admission into the Union shall be in force in the respective portions of said State until changed by the legislature of said State, except as modified or changed by this act or by the constitution of the State; and the laws of the United States shall have the same force and effect within the said States as elsewhere within the United States.

"SEC. 41. That the sum of one hundred and fifty thousand dollars, or so much thereof as may be necessary, is hereby appropriated, out of any money in the Treasury not otherwise appropriated, for defraying all and every kind and character of expense incident to the elections and conventions provided for in this act; that is, the payment of the expenses of registration and holding the election for members of the constitutional convention and the election for the ratification of the constitution, at the same rates that are paid for similar services under the Territorial laws, respectively, and for the payment of the mileage for and salaries of members of the constitutional convention at the same rates that are paid the said Territorial legislatures under national law, and for the payment of all proper and necessary expenses, officers, clerks, and messengers thereof, and printing and other expenses incident thereto: *Provided*, That

any expense incurred in excess of said sum of one hundred and fifty thousand dollars shall be paid by said State. The said money shall be expended under the direction of the Secretary of the Interior, and shall be forwarded, to be locally expended in the present Territory of Arizona and in the present Territory of New Mexico, through the respective secretaries of said Territories, as may be necessary and proper, in the discretion of the Secretary of the Interior, in order to carry out the full intent and meaning of this act.

Amend the title so as to read: "An act to enable the people of Oklahoma and of the Indian Territory to form a constitution and State government and be admitted into the Union on an equal footing with the original States; and to enable the people of New Mexico and of Arizona to form a constitution and State government and be admitted into the Union on an equal footing with the original States."

E. L. HAMILTON,
A. L. BRICK,

I agree to the above recommendations except as to amendment numbered 40; on this amendment I disagree.

JOHN A. MOON,
Managers on the part of the House.
WM. P. DILLINGHAM,
ALBERT J. BEVERIDGE,

I agree to the above and foregoing recommendations except as to amendment numbered 40; and as to said amendment I disagree.

T. M. PATTERSON,
Managers on the part of the Senate.

STATEMENT OF THE MANAGERS ON THE PART OF THE HOUSE.

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill H. R. 12707, to enable the people of Oklahoma and of the Indian Territory to form a constitution and State government and be admitted into the Union on an equal footing with the original States; and to enable the people of Arizona and New Mexico to form a constitution and State government and be admitted into the Union on an equal footing with the original States, submit the following detailed statement in explanation of the effect of the action agreed upon and recommended in the conference report, namely:

The House recedes from its disagreement to the amendments of the Senate numbered 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, and 14, and agree to the same with amendments, to the effect that the delegates to a constitutional convention of the proposed State of Oklahoma shall be 111—55 to be elected by the people of the Territory of Oklahoma, 55 by the people of the Indian Territory, and 1 from the Osage Indian Reservation—with a provision for establishing voting precincts in said Osage Reservation for that purpose, and also provisions for districts in Oklahoma Territory, except the Osage Reservation, and for districts in the Indian Territory from which such delegates to said constitutional convention shall be elected.

The House recedes from its disagreement to the amendment of the Senate numbered 15 and agrees to the same. This amendment is a provision similar in character to the House provisions on the same subject, and provides in detail the election machinery for the election of all delegates to the constitutional convention and for laws governing the same.

The House recedes from its disagreement to the amendment of the Senate numbered 16, and agrees to the same with an amendment to the effect that the capital of the proposed State of Oklahoma shall temporarily remain at Guthrie and not be changed therefrom till after 1913, and provides that no State moneys shall be appropriated for the erection of public buildings there for capital purposes during that period, except as shall be necessary for the convenient transaction of public business of the State at said capital.

That the House recede from its disagreement to the amendment of the Senate numbered 17, and agree to the same with an amendment which does no more than to change the words of the original House text, without any change in the effect of the House provision.

The House recedes from its disagreement to the Senate amendments numbered 18, 21, and 22, and agrees to the same. These are all verbal changes and additions of words without altering the intended effect of the House bill.

The House recedes from its disagreement to the amendments of the Senate numbered 19 and 20, and agrees to the same. These amendments provide for the sale and use of alcohol in the part of the proposed State now covered by Indian Territory and in certain Indian reservations in Oklahoma by apothecaries, to be used by them in compounding medicines, and regulates its use by them and provides for a bond that it shall not be used for other purposes.

The House recedes from its disagreement to Senate amendment numbered 26, which is a slight and immaterial change as to the time of payments of interest on State funds.

The House recedes from its disagreement to the Senate amendment numbered 27, and agrees to the same with an amendment which eliminates all of said Senate amendment numbered 27 and provides by an amendment that all State lands valuable for minerals, including gas and oil, shall not be sold by the State of Oklahoma prior to 1915, but that such lands may be leased for mineral purposes for periods not to exceed five years, which leasing must be made by public competition, advertised for not less than thirty days, under sealed bids, and awarded to the highest responsible bidder, who shall pay a fixed royalty in addition to the bonus offered in his bid, such leases not to be transferred without consent in writing by the proper officer of the State; and that an agricultural lessee of such mineral lands shall be reimbursed by the mining lessee for all damage done to his leasehold interest by such mining operations. The legislature of the State may legislate upon the subject, not in conflict with this act.

The House recedes from its disagreement to the amendment of the Senate numbered 28, which is a slight and immaterial verbal change explanatory of text.

The House recedes from its disagreement to the amendments of the Senate numbered 29, 30, 31, 32, 33, and 34, and agrees to the same.

These amendments add Tulsa and Chickasha to the court towns provided for in the House bill, and arrange for terms of court to be held at such additional places.

The House recedes from its disagreement to the amendments of the Senate numbered 35 and 36. These are verbal changes merely and do not change the intent of the House provision in relation to the fees of officers of the Federal courts, which is the subject of the clause amended.

The Senate recedes from its amendments numbered 37 and 38, leaving the House bill unaltered in the matter to which such amendments relate.

The House recedes from its disagreement to the amendment of the Senate numbered 39, and agrees to the same.

This amendment provides that the Osage Indian Reservation shall be and remain one county until its lands are allotted in severalty, and, further, until changed by the legislature of Oklahoma.

The House recedes from its disagreement to the amendment of the Senate numbered 40, and agrees to the same with an amendment, to which the Senate agrees, and which amendment agreed to reinstates the original text of the House bill on the subject of statehood for Arizona and New Mexico, with certain changes to the effect as follows:

The House bill provides that thirty days after the approval of this act the President shall order an election of delegates to a constitutional convention. This has been changed to twenty days on account of the shortness of time, caused by delay in this legislation, and for the same reason the election of delegates, which was fixed in the original House bill on the tenth Tuesday following the approval of this act, is changed by this agreement to the fifth Tuesday. For the same reason the time of holding the constitutional convention has been changed from the fifth Monday after the election of delegates to the second Monday, and instead of receiving compensation for not more than sixty days' service the delegates can receive compensation for not more than thirty days' service.

A further change of the House bill on this subject has been made which requires an election to be held for the adoption or rejection of the constitution on November 6, 1906, and that if a majority of each of said Territories shall be for the constitution, then and in that event statehood shall be perfected by the proclamation of the President, as provided by the original House bill; otherwise not.

This change from the original House bill, which finds force and effect in these words of the conferees' agreement referred to, to wit, "and if a majority of the legal votes cast on that question in each of said Territories shall be for the constitution," then statehood shall be perfected, means that if the majority of the voters of either Arizona or New Mexico shall vote to reject, then there shall be no statehood and each of these Territories shall be left in statu quo; but if a majority of both these Territories shall vote at said election to ratify the constitution, then they will be perfected into statehood under the name of Arizona under the provisions of the bill.

The other provisions of the conferees' amendment agreed to, relative to the subject of statehood for Arizona and New Mexico,

designated as No. 40, follow the original provisions of the House bill with a few immaterial changes.

E. L. HAMILTON,
A. L. BRICK,
JOHN A. MOON,
Managers on the part of the House.

Mr. HAMILTON. Now, Mr. Speaker, I move the adoption of the report.

Mr. SMITH of Arizona. Mr. Speaker, before that is done I would like to say a word or two.

Mr. HAMILTON. Very well; but I want first to yield five minutes to the gentleman from Tennessee, if that will answer the purposes of the gentleman from Arizona.

Mr. SMITH of Arizona. I am quite willing.

Mr. HAMILTON. I yield five minutes to the gentleman from Tennessee [Mr. MOON].

Mr. MOON of Tennessee. Mr. Speaker, at the request of the gentlemen on the Committee on Territories, I ask unanimous consent to have printed in the RECORD the report of the majority and the views of the minority on the statehood bill. There are facts in that report that ought to be preserved, and the copies are about all gone.

The SPEAKER. The gentleman from Tennessee asks unanimous consent that the reports of the majority and the minority upon the bill indicated may be printed in the RECORD. Is there objection?

There was no objection.

The reports are as follows:

[House Report No. 496, Fifty-ninth Congress, first session.]

The Committee on the Territories, to whom was referred H. R. 12707, to enable the people of Oklahoma and of the Indian Territory to form a constitution and State government and be admitted into the Union on an equal footing with the original States, and to enable the people of New Mexico and of Arizona to form a constitution and State government and be admitted into the Union on an equal footing with the original States, report same back to the House of Representatives, and recommend that it do pass.

ANALYSIS OF BILL.

This bill, under a single title and enacting clause, enables two States to be admitted into the Union.

It consists of forty-three sections, the first eighteen of which relate to the proposed State of Oklahoma, the area of which is to comprise the present Territory of Oklahoma and the Indian Territory; and the remaining seventeen sections relate to the proposed State of Arizona, the area of which is to comprise the present Territories of New Mexico and Arizona.

The whole bill is drawn to conform as nearly as may be to the language of previous enabling acts, and contains such provisions as may in their nature be common to all, besides such additional provisions as are made necessary by existing laws, Indian treaties, and local conditions.

The sections framed to provide similar objects for each of the proposed new States are made to conform as nearly as may be with each other.

The State of Arizona can be admitted into the Union not earlier than about seven and a half months and not later than about eleven months after the approval of this act.

Each State is to be admitted into the Union by a proclamation of the President of the United States, in the usual manner, after compliance with certain requirements.

An election which is equitably and properly safeguarded is provided for delegates to a constitutional convention for each proposed State. The convention for Oklahoma is to consist of 112 delegates and that for Arizona of 110 delegates.

The constitution framed must in each case conform to the usual requirements and be submitted to the people of each proposed State, respectively, for ratification at an election to be held for that purpose.

Each State is divided into two judicial districts, and the proper officials are provided therefor. The Federal courts of the proposed State of Oklahoma are attached to the eighth judicial circuit, and the Federal courts of the proposed State of Arizona are attached to the ninth judicial circuit.

Proper provision is made in the usual way for pending causes in the Territorial courts during the transition.

Oklahoma is allowed five and Arizona two Members of the House of Representatives, representation being based on the last census, and each State is divided into Congressional districts.

Proper provision is made in each State for nonsectarian common schools and the teaching of English therein.

Suffrage is well guarded, and strong antipolygamy clauses are in the bill.

The new States are to assume and pay the debts of the Territories, respectively.

The capital of Oklahoma is fixed at Guthrie until 1915, and that of Arizona at Santa Fe until the same year, at which time it is expected that conditions will have so shaped themselves that State capitals may be established by elections provided for that purpose, with entire fairness to all parts of the States concerned.

Oklahoma is given 2 sections of nonmineral land in each township within the present Territory of Oklahoma for the support and maintenance of a system of public nonsectarian common schools, besides certain specific donations of land for its educational and other institutions. Oklahoma is also given the sum of $5,000,000 in lieu of lands which can not be set apart for school purposes within the present limits of Indian Territory, because such lands are owned by the Indians and because of the great expense to which the new State will be put in establishing a system of common schools where none now exist.

The State of Arizona, as in the case of Utah, because of the arid character of the land, is given 4 sections of nonmineral land in each township for the support of common schools. It is also given, as is usual, certain specific donations of land for the educational and other institutions. In addition thereto, because of the arid character of the land, the proposed State of Arizona is given the sum of $5,000,000, to be safely invested by the State in trust for the use and benefit of the common schools thereof.

Each State, as is usual, after admission is to receive 5 per cent of the cash realized from the sale of public lands within the State, to form a permanent fund, the interest of which only can be used for the maintenance of its common schools, and the usual restrictions, requirements, and safeguards are thrown around all of these donations to each of the States.

An appropriation of $100,000 for the State of Oklahoma and of $150,000 for the State of Arizona, or so much thereof in each case as may be necessary, is made for defraying the expenses of the conventions provided for in the bill, to be expended under the direction of the Secretary of the Interior.

It is provided that until the admission of the proposed States the Territorial officers shall continue to perform their duties as at present in the respective Territories.

QUALIFICATIONS FOR STATEHOOD.

Article IV, section 3, of the Constitution of the United States provides that "new States may be admitted by Congress into the Union," but the Constitution nowhere defines the qualifications of Territories for statehood. Congress therefore has discretion as to what conditions shall be required of Territories seeking admission as States.

When the Constitution was adopted this Republic had a population of less than 4,000,000 and comprehended the thirteen original States as then bounded, together with the Northwest Territory.

The ordinance of 1787 provided for the temporary government and future division of the Northwest Territory into States, to be admitted "whenever any of said States shall have 60,000 free inhabitants therein."

This rule of 60,000 population for Territories seeking admission as States was for sometime observed more or less closely.

Subsequently, in the case of Kansas, another rule was adopted requiring a population equal to the unit of representation in the House of Representatives, which was not thereafter adhered to.

Nevada, which was admitted with an area of 109,901 square miles and a population of 42,491 in 1864, by the census of 1900 had a population of 42,335, about one-fifth of the population of a Congressional district under the last apportionment.

Of course area alone can not be considered as a controlling qualification. A vast area might never be capable of sustaining a sufficient population.

This nation now has a population of 80,000,000, and undoubtedly, without attempting to make any hard-and-fast rule as to population of Territories seeking admission as States, the population of such Territories should bear some reasonable relation in number and character to the great body of the population of the Republic.

ARIZONA.

Arizona was a part of the territory acquired from the Republic of Mexico by the treaty of Guadalupe-Hidalgo, February 2, 1848, and by the Gadsden purchase of December 30, 1853, and was a part of the original Territory of New Mexico, from which it was separated and organized into a Territory in 1863.

It is 378 miles long by 339 miles wide and contains 112,920 square miles, or 73,000,000 acres. By the census of 1900 it has a population of 122,931, of whom 26,480 are Indians, being 1.1 persons to the square mile.

It is true that the census of 1900 is claimed to be inaccurate in that it does not give Arizona as many people as are claimed were there, and Arizona claims a population of not less than 175,000; but this committee does not feel warranted in adopting speculative estimates; besides, the highest estimates do not change the situation upon which the committee bases its decision.

Of the population other than Indians, about 80 per cent are estimated by Governor Brodie to be Americans, as contradistinguished from inhabitants of Mexican derivation; and of all the population, not counting Indians, Governor Brodie estimates only about 1 per cent of illiteracy. The character of the population is of such high order that it stands above detraction and needs no commendation.

The Territory has a university, two normal schools, and an excellent common school system.

Its newspapers are ably managed and edited.

It has a total assessed valuation of taxable property as shown by the report of the Secretary of the Interior, of $57,920,372.84, but it is probable that its property is returned for taxation at a comparatively small percentage of its market value, in some instances, as indicated by Government reports, at not over 5 per cent of its actual value.

Its lands are valuable for agriculture only as irrigated, and its irrigable lands are chiefly in the valleys of the Salt River, the Gila, the Colorado, the Little Colorado, and their tributaries. If irrigation under the national irrigation law shall prove successful, soil of wonderful fertility, otherwise of little value, will attract immigration, but irrigation under that law is in the experimental stage.

In arid regions the rainfall is torrential and runs rapidly off the baked surface of the earth into channels, through which it comes down in floods of no value unless impounded for irrigation purposes.

Months and sometimes years intervene between heavy rains, and it is the purpose of the Government to impound the water from rainfall and from snow on the mountains and distribute it systematically.

The average annual rainfall in Arizona varies from 5.86 inches at Gila Bend to 22.24 inches at Flagstaff, the increased precipitation at Flagstaff being due to the proximity of the mountains.

Stock raising is at present a more important industry in Arizona than agriculture.

The forest area in Arizona is the largest in the United States and covers 6,400,000 acres.

Its chief industry is mining, and while great mineral wealth has already been developed, it is asserted that its mineral resources so far as developed are small as compared with its possibilities.

The Territory has within its limits about 1,400 miles of railroad.

NEW MEXICO.

New Mexico was acquired from the Republic of Mexico by the treaty of Guadalupe-Hidalgo, February 2, 1848, and by the Gadsden purchase of December 30, 1853.

It is 360 miles north and south by 346 miles east and west, and contains 122,580 square miles, or 78,451,200 acres, on which, by the census of 1900, live a population of 195,310, being 1.6 persons to the square mile.

As in the case of Arizona, the census is claimed to be inaccurate, and the governor of New Mexico in his annual report for 1905 claims a

population of not less than 300,000; but here again the committee does not feel warranted in accepting speculative estimates.

This committee considers the criticism as ill informed which finds fault with New Mexico because of its alleged foreign population.

Out of a population of 195,310 New Mexico has only 13,625 foreign-born inhabitants, a smaller foreign-born percentage than most of the States of the Union.

New Mexico was made a Territory in 1850, and ever since that time the people of that Territory have been electing their own legislatures, making their own laws, conducting their own local government, and contributing revenue to the Federal Treasury.

Were it not that the two-fifths of its population which are native born but of Spanish descent have been heretofore erroneously referred to as foreign, it would be an aspersion upon a patriotic people even to refer to their loyalty. The remaining three-fifths of its population are of the same character as the people of Arizona.

During the civil war, out of a total population of 93,567 New Mexico sent 6,561 men to fight for the Union, and in our war with Spain 1,089 men enlisted, of whom 500 were "Rough Riders."

The assessed valuation of property within the Territory for the year 1905 was $42,578,792.68, but it is asserted that for purposes of taxation property is not returned at much more than 20 per cent of its market value.

Its indebtedness June 30, 1905, was $853,000, and its sinking fund on hand to meet its obligations was $60,164.94.

The Territory has a capitol building erected at a cost of $200,000; a penitentiary, valued at $500,000; a college of agricultural and mechanical arts, valued at $150,000; an asylum for the insane, valued at $180,000; a school of mines, valued at $65,000; a university, valued at $60,000; two normal schools, each valued at $60,000; a military institute, valued at $50,000, and other institutions for which large appropriations have been made.

It has an excellent common school system, the buildings alone being worth $2,000,000, and the actual enrollment of pupils for the year 1905, according to the governor's report, being 36,111, and besides its common schools and Territorial institutions it has over fifty sectarian schools, conducted by various religious denominations, with an enrollment of over 6,000 pupils.

All these institutions and the public school system of New Mexico have been built and sustained by the Territory without the aid of the Federal Government, except by the usual grant of sections 16 and 36 for school purposes, made in 1898, from which rentals have only recently commenced to be received.

New Mexico has seventy-five weekly newspapers and six dailies.

Agriculture in New Mexico is conducted by irrigation along the river valleys of the San Juan, Rio Grande, the Mimbres, the Canadian, the Cimarron, the Gila, the Pecos, their tributaries, and some smaller valleys.

Stock raising is the principal industry.

What has been said of the rainfall of Arizona applies to New Mexico, except that the average annual rainfall of New Mexico is a trifle more than that of Arizona.

The mining industry of New Mexico is said to be rapidly developing, and it has about 2,600 miles of railroad.

After giving full consideration to conditions in both Territories this committee recommends the admission of Arizona and New Mexico joined in a single State, to be known as "Arizona."

The name Arizona is retained as the better name in the choice between the names of the two Territories, one of which the committee feels ought to be given to the proposed State.

The area of the proposed State, though vast, will be about 27,000 square miles less than that of Texas.

If national irrigation shall succeed and mining industry shall fulfill its flattering promise, the proposed State may become great in population, wealth, and resources, but at present the population on the vast area proposed to be admitted as a State is only a little more than one person to the square mile, and is settled in river valleys, with mountains and vast arid wastes between which can never support a population.

The population of the proposed State, in the opinion of this committee, has the educational, moral, and other elements to entitle it to citizenship of a State and of the United States.

The people of Arizona and New Mexico have developed the resources of their Territories to the best of their ability under present conditions, and as a State, with the aid of Federal irrigation, they will undoubtedly develop to the utmost the latent resources of their vast domain.

OKLAHOMA AND INDIAN TERRITORY.

As to Oklahoma and the Indian Territory, this committee favor their joinder in one State.

Oklahoma has an area of 38,830 square miles, or 24,979,200 acres, and by the census of 1900 a population of 398,331.

Indian Territory, which for convenience we shall refer to as a Territory, although it has no Territorial organization, has an area of 31,000 square miles, or 19,840,000 acres, and by the census of 1900 a population of 392,060.

It is conceded by everyone who has had opportunity for observation that since the census of 1900 the population of both Oklahoma and the Indian Territory has increased with amazing rapidity, until their aggregate population is now probably nearly a million and a half.

There are probably no better farming lands in the United States than those in these Territories, and vast areas which were unoccupied in 1900 have been rapidly settled upon since that time.

Under the so-called "Curtis Act" provision was made for the organization of towns in the Indian Territory, and towns have been organized all over the Territory, having populations which are increasing with astonishing rapidity.

The arbitrary and irregular boundary line between Oklahoma and the Indian Territory is in itself an argument in favor of their joinder in one State, and indicates the progress made up to date in the gradual addition of Indian reservations to original Oklahoma, which, at the outset, constituted only about one-eighth of the present Territory of Oklahoma.

Indian Territory, as originally set apart in 1834, practically comprehended what are now known as Oklahoma and Indian Territory, except that Beaver County, formerly known as "No Man's Land," was added to Oklahoma by act of Congress May 2, 1890.

Original Oklahoma, containing about 3,000,000 acres in the heart of what now constitutes Oklahoma, was opened to settlement April 2, 1889, but no form of government was provided for the country so opened to settlement until May 2, 1890, when the organic act of the Territory of Oklahoma was approved.

By that organic act it is provided "that all that portion of the United States now known as Indian Territory, except so much as is actually occupied by the Five Civilized Tribes and the Indian tribes within the Quapaw Indian Agency, and except the unoccupied part of the Cherokee Outlet, together with that part of the United States known as the 'Public Land Strip,' is hereby erected into a temporary government by the name of the Territory of Oklahoma. * * * Whenever the interests of the Cherokee Indians in the land known as the 'Cherokee Outlet' shall have been extinguished and the President shall make proclamation thereof, said Outlet shall thereupon, and without further legislation, become a part of the Territory of Oklahoma. Any other lands within the Indian Territory not embraced within these boundaries shall hereafter become a part of the Territory of Oklahoma whenever the Indian nation or a tribe owning such lands shall signify to the President of the United States in legal manner its assent that such lands shall so become a part of the Territory of Oklahoma, and the President shall thereupon make proclamation of the same."

By this organic act it is apparent that it was not intended to draw any line of division between Oklahoma and Indian Territory, but that Oklahoma should increase in geographical scope from time to time within the limits of the original Indian Territory, by the addition of "any other lands within the Indian Territory * * * whenever the Indian Nation or a tribe owning such lands shall signify to the President of the United States in legal manner its assent."

It is therefore apparent from this organic act that it was the intention of Congress that the original Indian Territory, together with the strip of land running westward to the east line of New Mexico and formerly known as "No Man's Land," should eventually become one State.

Original Oklahoma has been increased and opened to settlement as follows:

1. In 1890, by the addition of the Sauk and Fox, Iowa, and Potawatomi Indian reservations, containing 1,283,434 acres, in the eastern part of what is now Oklahoma Territory, and the addition of the Cheyenne and Arapaho reservations, containing 4,297,771 acres, in the western part of what is now Oklahoma Territory;

2. In 1893, by the addition of the Cherokee Strip, containing 6,014,239 acres;

3. In 1895, by the addition of the Kickapoo Reservation, containing 206,662 acres;

4. In 1896, by the addition of Greer County by decision of the Supreme Court of the United States; and

5. In 1901, by the addition of the Kiowa, Comanche, Apache, and Wichita reservations.

Within the present limits of Oklahoma there are still reserved from settlement the Osage, Ponca, and Oto reservations, and the Kiowa and Comanche pasture reservations, in all amounting to about 2,000,000 acres.

Oklahoma Territory, so formed, is now divided into twenty-six counties, traversed by not less than 3,000 miles of railroad.

In its report on the statehood bill in the Fifty-eighth Congress, the committee, referring to the resources of Oklahoma, said:

"In 1903 the wheat crop of Oklahoma was over 36,000,000 bushels; the corn crop 65,000,000 bushels; the cotton crop over 200,000 bales; and 1,036,662 cattle, 304,713 horses, 234,218 sheep, and 63,452 mules were scheduled for taxation.

"It has 280 grain elevators, 66 flouring mills, and 232 cotton gins.

"It has 79 national banks and 247 Territorial banks, the aggregate deposits in which on January 1, 1904, amounted to $22,456,510.

"It has 250 weekly newspapers, 28 daily newspapers, besides monthly and semimonthly publications.

"It has 191,433 children of school age and 2,192 district schoolhouses."

While definite statements of the resources of the Territory for the year 1905 have not been obtainable in all cases, from all information available it is clear that there has been a substantial increase in production, wealth, and population in the Territory. It has a university, an agricultural and mechanical college, normal schools, a university preparatory school, and a colored agricultural and normal university, besides denominational and private educational institutions.

By the provisions of the organic act, and by various acts of Congress opening Indian reservations to settlement, 2,055,500 acres of land have been reserved for the benefit of common schools, colleges, normal schools, public buildings, and for charitable and penal institutions.

Mineral deposits are said to have been found in the Wichita Mountains; oil, coal, and gas have been discovered in various parts of the Territory, and salt and gypsum beds cover thousands of acres.

Construing the organic act of Oklahoma according to its obvious intent, that all the lands within the original limits of the Indian Territory should eventually be merged into the Territory of Oklahoma and thereafter into a State, the question to be determined is whether the so-called Indian Territory is ready to be joined with Oklahoma in a State, and whether it may be so joined equitably so far as the Indians of Indian Territory are concerned.

The Indian Territory is not an organized Territory, but is an area of land occupied by the Five Civilized Tribes, viz, the Creeks, Choctaws, Chickasaws, Cherokees, and Seminoles, and certain small tribes in the northeast corner of the Indian Territory who hold their lands by patent.

These Five Civilized Tribes moved westward from certain of the Southern States with their slaves, and settled upon the lands comprehended within the original limits of the Indian Territory, under various treaties with the Federal Government.

These treaties provided in effect, among other things, that the Five Tribes should have tribal governments of their own.

Having come from the South, their sympathies were naturally with the South in the civil war, although many of the Indians in the northern part of the Territory kept faith with the Federal Government.

In 1865 and 1866 treaties of peace were made with the Indians whereby they acknowledged the sovereignty of the United States and agreed to abide by the Federal laws.

In 1866 certain of the Indians ceded the use of their lands west of the present line of the Indian Territory to the Government for the occupancy of certain tribes of friendly Indians, and in 1889 the Creek and Seminole sold their interest in these lands outright to the United States. Thereupon followed the organization of original Oklahoma and the addition thereto of territory as hereinbefore described.

Meanwhile white people have been emigrating to the Indian Territory in constantly increasing numbers until now, when the Dawes Commission estimates the number of people in the Indian Territory at about 700,000, of whom only about 70,000 are estimated to be Indians.

In 1893 the Commission to the Five Civilized Tribes, commonly called the "Dawes Commission," was created. For the first five years of its existence, down to the passage of the so-called "Curtis law," the

Commission was given only the power of negotiation, except that under the law of June 10, 1896, they were given limited authority in relation to citizenship rights.

By the Curtis Act, however, its authority was extended so that the Commission to the Five Civilized Tribes now has authority for the "extinguishment of the national or tribal title to any lands within that Territory (the Indian Territory) now held by any or all of such nations or tribes, either by cession of the same, or some part thereof, to the United States, or by the allotment and division of the same in severalty among the Indians of such nations or tribes."

The act of June 10, 1896, empowered the Commission to determine applications for citizenship presented within ninety days from the date of the act, and even under that law "applications embracing approximately 75,000 claimants were judicially determined."

The business of the Dawes Commission, as finally defined by various statutes and Indian agreements supplemental thereto, was "to administer upon five great estates," composed of about $10,000,000 of trust funds and 19,511,889.39 acres of land, as follows:

Choctaw Nation	6,950,043.66
Chickasaw Nation	4,703,108.05
Cherokee Nation	4,420,070.13
Creek Nation	3,072,813.16
Seminole Nation	365,854.39

This business did not relate to the disposition of wild lands or lands of uniform value. "It related to vast tracts, covered by the houses and other improvements of a great population, threaded in every direction with railroads, filled with villages and large towns of the most modern character," and without a wigwam or blanket Indian within the limits of the Territory.

It became the duty of the Commission to determine—

First. Who were the bona fide citizens entitled to possess these properties; and

Second. To take an inventory of the properties to be divided, and to apportion them equitably in severalty.

THE PEOPLE AND THEIR CONDITION.

Aside from the population which has been attracted to the Territory, there are five distinct classes of people having common property and citizenship rights, but differing widely in racial characteristics, viz:

1. The so-called full-blood Indian.
2. People of mixed blood ranging from an almost infinitesimal infusion of Indian blood to nearly full-blood Indians.
3. Intermarried whites.
4. Negroes, called freedmen, who were slaves or are the descendants of former slaves of Indians.
5. Adopted citizens.

According to the recent Bonaparte report these five classes constitute about one-fifth of the inhabitants of the Territory, and of them "at least three-fourths are Indians in little more than name, with from 75 to 99 per cent of white blood, and in great majority altogether indistinguishable in appearance, language, and manners from white people."

These people of mixed blood are, as a rule, intelligent, educated, and competent to manage their own affairs.

The remaining four-fifths of the inhabitants of the Territory have no connection whatever with the tribes and are white people, with a small percentage of negroes, attracted from the various States of the Union, whose citizenship in the States from which they came has qualified them for statehood.

It therefore appears that of the whole population of the Indian Territory scarcely one-twentieth are full-blood Indians.

By the Curtis Act and various agreements with the five nations, tribal courts were abolished July 1, 1898, and all tribal relations and governments of the five nations are to cease March 4, 1906.

The government of Indian Territory at present is a government by the Secretary of the Interior, by four Federal judges having jurisdiction in four several districts, and by various commissioners, which courts and commissioners administer the Federal law together with an extension of a part of the Arkansas Code. This government is known in Indian Territory as "court government."

Indian Territory is without adequate schools, so far as white people are concerned, and is without asylums for the deaf, dumb, blind, and insane.

The only provision for free schools in the Territory is in the Curtis Act, which provides for free schools in the incorporated towns.

Outside the incorporated towns the various Indian governments maintain schools, but it is asserted that at least 100,000 white children outside incorporated towns are without free educational opportunities, and that a large white population is growing up in ignorance.

ALLOTMENT.

As to the inventory of "properties to be divided" by the Dawes Commission. Nothing is owned in common in the Indian Territory except the lands and tribal funds. The act of June 28, 1898, known as the Curtis Act, provided for "the making of rolls of citizens and the allotment of lands in the five nations in the Indian Territory;" and pursuant to the provisions of that law various agreements and supplemental agreements have been made with the Five Civilized Tribes providing for the allotment of lands, the divisions of tribal funds, and the abolishment of tribal governments after March 4, 1906. Under this law "and the agreements with the tribes, and acts of Congress amendatory and supplementary thereof, the Commission has proceeded to make rolls of citizens of each of the tribes, appraise the land preparatory to allotment, estimate timber, set apart land for town sites over a large part of the Territory, subdivide the United States Geological Survey sectional survey into quarter sections and in some places quarter-quarter sections, make improvement plats of the land surveyed, and to allot the land to the individual members of the tribes." The Commission was also authorized to segregate coal lands in the Choctaw and Cherokee country.

According to the Tenth Annual Report of the Commission to the Five Civilized Tribes, "the survey and appraisement work of the Commission is finished."

As to coal and asphalt lands the Dawes Commission reports that the lands segregated under the provisions of the act approved July 1, 1902, cover an area of 444,863.03 acres. These lands are not subject to allotment.

As to the progress of the Commission in the enrollment of citizens and the allotment of lands, the so-called "Bonaparte report," transmitted to Congress by the President March 7, 1904, is as follows:

"In the Seminole Nation the roll has been completed and finally approved by the Secretary of the Interior.

"In the Creek Nation the enrollment work is 97½ per cent completed.

"In the Choctaw, Chickasaw, and Cherokee nations the enrollment work is between 90 and 95 per cent completed.

"All of the land in each nation has been appraised and valued in tracts of 40 acres, and where timber of commercial value was found on the land the timber on each 40 was estimated and valued.

"Approximately 12,000 sectional improvement plats have been made and are now used in the different land offices, and this work has been completed as far as it is deemed necessary to carry it.

"In the Seminole Nation all selections of allotments have been made, and the only work remaining to be done in that nation is the disposing of surplus lands, for which no provision of law exists, and the issuing of deeds.

"In the Creek Nation practically all allotments have been made, and more than 60 per cent of the allottees have received allotment and homestead deeds to their lands. These deeds are prepared by the Commission, and, when executed, recorded by it.

"In the Choctaw and Chickasaw nations approximately 45 per cent of allotments have been made.

"In the Cherokee Nation approximately 25 per cent of allotments have been made. Under instructions from the Secretary of the Interior all proceedings looking to the allotment of land in the Cherokee Nation have been suspended since October 7, 1903, in accordance with the act of Congress relative to the segregations of lands, to await the decision of the then pending suit in the United States Supreme Court between the Delawares and Cherokees.

"Allotment-selection contests are being kept well up in the different nations. This involves in each case, of which there are already between 2,000 and 3,000, practically a court trial to determine title to improvements on land.

"No statement is attempted to be made of the incidental work that has arisen in the different nations from time to time, much of which has, however, been of considerable magnitude.

"It will be seen, therefore, at this time that the work for which the Commission was created, and which has been its constant aim during its existence, namely, 'the extinguishment of the national or tribal title to any lands within that Territory,' is well advanced toward completion. The work in the Seminole Nation is complete as far as it is possible to complete it under existing legislation. The work in the Creek Nation is substantially finished. It is estimated that the work in the Choctaw and Chickasaw nations will be ended by March 31, 1905, and in the Cherokee Nation by July 1, 1905. And when all tribal title to land in Indian Territory shall have been extinguished, and final disposition made of all of the affairs of the Five Tribes, the work will have cost the Government less than 10 cents per acre."

Memorandum showing condition of work of Commission to the Five Civilized Tribes on December 31, 1903.

1. HOW MUCH LAND HAS BEEN ALLOTTED.

SEMINOLE NATION.

Total acreage subject to allotment		363,578.92
Allotted (allotment completed)		344,948.26
Excess land, for the disposition of which no provision exists		18,630.66

CREEK NATION.

Total acreage subject to allotment		3,063,981.38
Allotted (allotment practically completed)		2,448,793.20
Unallotted land, which under existing law is to be used as far as necessary in equalizing allotments		515,188.18

A provision of pending Indian appropriation bill provides for sale of these surplus lands, the proceeds to be used in equalizing allotments.

CHOCTAW AND CHICKASAW NATIONS.

Total acreage subject to allotment		11,153,356.25
Allotted at Choctaw land office	1,742,804.20	
Allotted at Chickasaw land office	1,664,212.42	
		3,407,016.62
Unallotted		7,746,339.63

Approximately 1,750,000 acres, including coal lands, will not be used in making allotments.

CHEROKEE NATION.

Total acreage subject to allotment	4,400,304.76
Allotted to October 7, 1903	1,055,892.07
Unallotted	3,344,412.69

2. HOW LONG WILL IT TAKE TO FINISH THE ALLOTMENT?

In its report on the statehood bill in the Fifty-eighth Congress, the committee said:

"*Seminole Nation.*—Allotment is completed.

"*Creek Nation.*—Allotment is substantially completed.

"*Choctaw and Chickasaw nations.*—On December 31, 1903, allotment offices had been in operation seven and a half months, and at that time approximately one-third of the work of allotment had been completed. It is estimated that practically all allotments in those nations will have been made in fifteen months from December 31, 1903, or by March 31, 1905.

"*Cherokee Nation.*—Allotment office had been in operation approximately eight and one-fourth months, when work was suspended on October 7, 1903, under instructions from the Secretary of the Interior, pending an adjudication of the rights of Delaware members of the tribe. No allotments have been made since that date. During the time the office was in operation approximately one-fourth of the work of allotment was completed. It is estimated that with some increase in the allotting force of the office, practically all allotment work in the Cherokee Nation can be completed in fifteen months from the date when the office shall be reopened."

Since that report was made the allotment of lands has been proceeding and is approaching the end. The Interior Department states that by the first of the next fiscal year all allotments will undoubtedly be completed, except in cases where the citizenship of the parties is still under investigation or where the land is involved in contest proceedings.

In his annual message, December 4, 1905, the President said:

"I recommend that Indian Territory and Oklahoma be admitted as one State and that New Mexico and Arizona be admitted as one State. There is no obligation upon us to treat territorial subdivisions, which are matters of convenience only, as binding us on the question of admission to statehood. Nothing has taken up more time in the Congress during the past few years than the question as to statehood to be

granted to the four Territories above mentioned, and after careful consideration of all that has been developed in the discussions of the question I recommend that they be immediately admitted as two States. There is no justification for further delay, and the advisability of making the four Territories into two States has been clearly established."

CONCLUSION.

Inasmuch, then, as in the opinion of this committee, the Congress intended by the organic act of the Territory of Oklahoma, that all of the original Indian Territory, together with what is now Beaver County, should become one State; and

Inasmuch as the present Territory of Oklahoma has for some time been qualified for statehood, which has been deferred until the Indian Territory should be ready to be joined therewith in statehood; and

Inasmuch as conditions in the Indian Territory imperatively demand some better form of government than now exists there; and

Inasmuch as Indian lands will be allotted in severalty before the time when statehood can go into effect as provided for in this bill, and for all the reasons set forth in this report, this committee report in favor of the joinder of the Territory of Oklahoma and the Indian Territory in one State, such State to be known as the State of Oklahoma.

To that end, and to the end that the Territories of Arizona and New Mexico may be joined in one State, to be known as the State of Arizona, this committee recommend that the bill do pass.

Views of the minority.

We do not agree with the conclusion of the majority, and dissent from the provisions of the bill creating one State from the Territories of New Mexico and Arizona for the following potent and manifest reasons:

The State created by joining New Mexico and Arizona will contain an area, in round numbers, of 235,500 square miles—vastly too large in this case for a safe and economical State government, even if no other objection could be urged. They are separated by the Continental Divide from their common northern boundary line to Mexico, a distance of 325 miles, every one of which lies through a rough, mountainous country.

There are only two practicable routes to cross these mountains east and west. The southern pass, near the thirty-second parallel, is used by the Southern Pacific and the El Paso and Southwestern railroads, which passes over an elevation of 4,000 feet. The northern pass is 25 miles north of the thirty-fifth parallel, where the Atchison, Topeka and Santa Fe crosses the line between the Territories at an altitude of nearly 7,000 feet. There is no crossing north of this point. Between the two passes mentioned lies a distance of 175 miles of rough mountains, over which there is no practicable passage from one Territory into the other. On the Arizona side of this line lies the counties of Graham and Apache, on the New Mexican side, and adjoining these counties, are Grant, Socorro, Valencia, and McKinley counties.

The main Continental Divide averages upward of 7,000 feet, with no practicable pass from the thirty-second to the thirty-fifth parallel. These mountains are great tilted blocks, with their precipitous faces to the west and long-sloping sides eastwardly. For any communication between these Territories, except along the lines of the railroads, as before described, the people must travel vast distances at great expense of time and money. This mighty mountain barrier between the two peoples makes their union an impossibility. It cuts off communication between them. The people of New Mexico in trade follow the course of their rivers to the east; Arizona's trade is almost entirely western. There is no more community of interest subsisting between these Territories than between Maine and Florida.

The rapid development of Arizona, her splendid civilization, and great growth in wealth and population furnish unanswerable proofs why a forced amalgamation of the people of the two commonwealths under one State government would be in the highest degree objectionable, unwise, and especially unfair to Arizona.

The area of New England, comprising six States, is about 65,000 square miles; the area of the Territory of Arizona is nearly twice greater, being 113,916 square miles.

The area of the Territories of New Mexico and Arizona, now proposed to be merged, is 235,117 square miles, or greater than Maine, Massachusetts, New Hampshire, Vermont, Rhode Island, Connecticut, Michigan, New York, Pennsylvania, Maryland, and New Jersey.

The distance from one side of the proposed State to the other is as great as it is from New York to Chicago; it is 700 miles from the capital of Arizona to the capital of the proposed joint State at Santa Fe, N. Mex.; it is 900 miles from the county seat of the county of Yuma, Ariz., to Santa Fe, and the distances are comparatively as great from other populous communities in Arizona. For fully 250 miles in western New Mexico and eastern Arizona, along the two great lines of railroad which furnish the only practicable means of communication, the physical formation of the country is such as to forever prohibit sufficient population to maintain even county governments.

New Mexico and Arizona have their own public buildings, capitol, university, normal schools, asylum, penitentiary, etc., and all the necessary equipment for successful government.

Each Territory has a considerable bonded indebtedness, which would be difficult to adjust satisfactorily if the Territories were joined. The county, school district, and municipal indebtedness of Arizona is funded under authority of an act of Congress into low interest-bearing Territorial bonds which command a premium. Every subdivision of Arizona has first-class credit. No such funding law exists in New Mexico, and several of the counties there are insolvent, with a heavy and onerous indebtedness, evidenced by discredited securities which the owners hope the proposed joint State will assume.

It is impossible from the meager testimony before the committee to decide exactly the ratio of American as distinguished from the Spanish blood which makes up the population of New Mexico. The present Delegate reported the American as about 30, the Spanish or Mexican as about 70 per cent, but afterwards came before the committee and gave it as his opinion that they were about equally divided. We are making no objection to the Mexican population as such, but suggest the fact of a different language as a reason against uniting these Territories.

In Senate Report No. 2206, part 1, Fifty-seventh Congress, second session, made by Senator BEVERIDGE, it is asserted:

"The greater majority are native New Mexicans of Spanish and mixed Spanish and Indian descent, and these practically all speak Spanish in the affairs of daily life, and the majority speak nothing but Spanish.

"Courts are conducted through the medium of an interpreter, and it is impossible to conduct the machinery of justice without this official. (Testimony of Judge W. J. Mills, p. 2; Nepomuceno Segura, p. 4; William A. Gortner, p. 6; Judge McFie, p. 29; Judge Baker, p. 46; Judge McMillan, p. 110; Judge Parker, p. 96; Jose D. Sena, p. 31, and others.)

"The interpreter interprets the testimony of witnesses to the jury, the argument of counsel to the jury, and the charge of the court to the jury. (Testimony of witnesses above.)

JUSTICES OF THE PEACE (SPANISH).

"Coming to the courts of the people—justices of the peace—practically all of them speak Spanish, and the proceedings of their courts are conducted in Spanish. The dockets of nearly all justices of the peace are kept almost exclusively in Spanish. The statutes of the Territory in the offices of practically all justices of the peace are printed in Spanish. (Testimony of Jesus Maria Tefoya, p. 12; Felipe Bacay Garcia, p. 26; Francisco Anaya, p. 39; Charles M. Conklin, p. 40; Jose Maria Garcia, p. 41; Juvenico Quintana, p. 42; Leonardo Duran, p. 43; Seferino Crollott, p. 52; Manuel Lopez, p. 98.)

POLITICAL CONVENTIONS AND SPEECHES BY INTERPRETER.

"In political campaings almost all political speeches are made either in Spanish or in English through an interpreter, and interpreters are used in practically all (it may even be said in all) political conventions. (Testimony of C. M. Foraker, p. 74; H. S. Wooster, p. 18; Felipe Bacay Garcia, p. 26, and others.)

"This is true even in the 'American' town of Albuquerque. (Testimony of C. M. Foraker, p. 74.)

"An interpreter was used in the last Republican Territorial convention which nominated the present Delegate to Congress, and nominating speeches were made through that medium. (Testimony of José D. Sena, p. 32.)

"An interpreter is used in the legislature, and both councils (senate and house) have official interpreters. (Testimony of José D. Sena, pp. 32–33.)"

This report, so far quoted, is not given as any argument against the people of New Mexico or as an argument against statehood for New Mexico, nor to detract in any way from the citizenship of that Territory, but to set forth such differences in the customs and language of the two Territories as show the folly and injustice of uniting them in one State. The minority is of the opinion from all that has been shown before the committee, and from what it can gather from former reports to Congress, and from the present Delegate and last ex-Delegate from New Mexico, that no one in either Territory is in favor of joint statehood, all preferring separate statehood for each Territory, and those now consenting to a joint State do so for fear of being indefinitely held under the yoke of Territorial vassalage.

Aside from these reasons, there is a moral if not legal objection to the union of Arizona with New Mexico or any other country whatever.

The organic act, creating the Territory of Arizona, specifically provides:

"That said government (Arizona) shall be maintained and continued until such time as the people residing *in said Territory* shall * * * apply for and obtain admission as a State on an equal footing with the original States."

Under that guaranty the people of Arizona laid the foundation on which they have reared a great and prosperous Commonwealth. After the expenditure of millions of dollars in public improvements by the "people residing in said Territory"—after building roads, digging canals, erecting schoolhouses, churches, hospitals, asylums, colleges, and court-houses in every county; after having by heavy taxation of themselves put into smooth and active operation every enginery of a proud State—to now condemn them against their will to hand all these things over to the management of the superior number of people residing in New Mexico, and with whom they have nothing in common, is a direct violation of good faith on the part of Congress, and can not be justified in either morals or statesmanship. There is not even the excuse of political exigency.

Against the proposed jointure of Arizona and New Mexico every protest that any people could make has been made to Congress by both Territories. Their wishes should be respected. We are of opinion that such union can bring nothing but disaster to both Territories. The governor of New Mexico, in his report to the Secretary of the Interior for 1902 (p. 4), shows 8 Spanish-Americans to 5 of all other races combined. The roster of every legislature save one proves the predominance of Spanish-Americans in New Mexico.

Governor Otero, of New Mexico, in a protest against joining Arizona and New Mexico, said:

"Our objection is not due to any innate animosity between the two Territories, but to the inherent differences in population, in legislation, in industries, in contour, in ideals, and from an historical and ethnologic standpoint, not to mention that the consolidation of two Commonwealths like New Mexico and Arizona into one is unprecedented in American history.

"The new State would be an unnatural and unwilling alliance. It would be the coercion of two populations which are unlike in character, in ambition, and largely in occupation. The union would be abhorrent to both. Simply because the two populations are in the Southwest, the country should not suppose that they are alike or sympathetic."

Hundreds of protests from the people of Arizona confirm this statement of the governor. (Some of these protests will appear in the appendix hereto.)

There are many conflicts between the laws of the two Territories which can never be reconciled. All Latin races are influenced by civil law. In Arizona there is no suggestion of civil-law ideas. Inheritance laws differ radically from those of New Mexico. Irrigation laws have been made to meet Arizona's peculiar conditions. Any change would necessarily seriously disturb vested rights. The readjustment of taxes and public debts would be a source of constant disagreement, if, indeed, they could ever be adjusted at all. A further great injustice is done in the bill by forcing Arizona to contribute her share to the payment of the debts of New Mexico—debts in the creation of which she had no voice and in which she had no interest whatever and from which she received no benefit directly or indirectly.

If the governor's report be true, the Spanish-American population of New Mexico is greater than the entire American population of Arizona. The latter has only a small percentage of citizens of Spanish descent, and nearly all of them speak the English language, and their children attend the public schools and are living in perfect harmony with their surroundings and aiding through splendid citizenship the upbuilding of the Territory. The English language is the universal language of Arizona. The Spanish is the dominant language of New Mexico. The people of New Mexico are a homogeneous people. The races by the contact of years have broken down prejudices, and there is no objection to the admission of that Territory as a single State.

But we fear that the union of these two Territories against the wish

of either will awaken in each the strongest of race and religious prejudices which will retard for half a century the onward march of both. Strife, crime, injustice will result, and the poor and uneducated will be the chief sufferers. We can see no excuse or justification for forcing a distasteful union between two Territories different in customs, aspirations, hopes, ideals, purposes, and language; divided by an almost impassable mountain barrier, which has made and will forever keep them strangers to each other.

Oklahoma and Indian Territory are entitled to separate statehood, and we prefer that each should be admitted as a State, but being convinced that the people of the Indian Territory prefer one State with Oklahoma, rather than no State, the minority reluctantly consent to vote for the measure if Arizona and New Mexico are struck from the bill.

The Republicans of the House and Senate defeated the Oklahoma statehood bill in the last Congress by the very tactics which they are now using to defeat it. There is no more reason to join Arizona and New Mexico to the Oklahoma statehood bill than there is in joining in the same measure the Territories of Alaska and Porto Rico.

The manifest purpose of the majority is to unjustly keep Oklahoma out of the Union unless they can with greater injustice force Arizona in.

We regret that we can not support the present measure on account of the unwillingness of the majority to permit the Territories a separate vote on the question of the union of Arizona and New Mexico. For the same reason we would support the bill for the union of Oklahoma and Indian Territory we oppose the part of the bill uniting Arizona and New Mexico as contrary to the will of the people residing therein.

Voicing, as we believe, the unanimous sentiment of the Democratic side of the House, and to exhibit to the people of these Territories the Democratic position on this question, the minority in the committee offered the following amendment to the bill, fearing that no amendment would be permitted to be offered when the bill reached the House. The amendment was as follows:

"Strike out all of the bill which relates to Arizona and New Mexico, so as to leave it a bill for the admission of Oklahoma and Indian Territory as one State."

The roll being called, every Democrat on the committee voted "Aye," and every Republican voted "No."

The minority then moved to "amend the bill by striking out every provision relating to Arizona," so that Oklahoma and Indian Territory could come in as one State and New Mexico as one State.

The question being put and the roll called, every Democrat voted "Aye." Every Republican voted "No."

The minority then moved to insert the words "each of" on page 45, line 1, between the words "Territories" and "voting," so that the constitution of the State of Arizona should not be adopted unless a majority of the people in each of said Territories should separately vote in favor thereof, and declared their willingness to support the bill as a whole if so amended. The question being put, every Republican present voted "No," and every Democrat present voted "Aye."

We deplore the President's action in recommending without assigning reasons for joint statehood for Arizona and New Mexico, and thus ignoring the last expression of the Republican national platform on the question of statehood for the remaining Territories. The Republican party in 1896 had this plank in its platform:

"We favor the admission of the remaining Territories at the earliest practicable date, having due regard for the interest of the people of the Territories and of the United States."

The same party in 1900 had this declaration:

"We favor home rule for, and the early admission to statehood of, the Territories of New Mexico, Arizona, and Oklahoma."

These pledges are plainly violated in the failure to report a bill in favor of statehood for each of these Territories. Such a bill passed the House of Representatives in the Fifty-seventh Congress, and each of them certainly has a much stronger claim for recognition now than it had in 1902, when the statehood bill passed. The Delegate from Arizona, near the beginning of that session, presented a bill for the admission of Arizona as a State. The Delegate from New Mexico presented a similar bill for the admission of New Mexico, and the Delegate from Oklahoma likewise presented a bill asking for the admission of Oklahoma to statehood, and in the hearings before the committee each of them insisted that the bill presented by him reflected the wishes of his people and insisted upon a favorable report thereon.

The people of Arizona and New Mexico especially have repudiated the action of the committee in trying to make joint statehood for their Territories. Why should the Committee on the Territories change its base with reference to this matter? What excuse can be given to the country for this utter disregard of party pledges and failure to consider the wishes of the people?

Under this bill Arizona, being numerically the weaker, could be forced into a union with New Mexico, even though every vote in Arizona were cast against the consolidation. The stronger of the two Territories can mercilessly coerce the other into union.

It has long been a settled doctrine of American polity, founded in wisdom and justice, that a Territory of the Union is, upon organization, clothed with the inchoate right of ultimate statehood—a right to be exercised in the discretion of Congress when the Territory is capable, by reason of its resources and population, to assume the duties and obligations of a free State.

The denial of this right, the reversal of this policy by an arbitrary exercise of power by Congress in forcing an unnatural union of Territories against the will of their people, the forcible union of peoples distinct in customs, habits, manners, and religion, is ultraradical and revolutionary. It is a pitiful illustration of the degradation to which a party may fall when violating, for party purposes, its plighted faith made to the people in the national platform.

Should the Republican party pass this bill, wicked as it is in the denial of equal rights in representation and partisan in all of its material details, it will but afford another indecent example of the suppression of individual, Territorial, and national rights to subserve partisan ends.

No ultimate good can come to any political party or to our common country by tyrannizing any part of it. Arizona should have the right to say whether she will or will not accept this bill. Her people are neither aliens nor strangers. Her citizenship is composed of the best fiber from every State in the Union. They have built a great commonwealth of which they are justly proud. They desire to preserve it intact. It is their right. This bill is viewed by them as oppressive, tyrannous, and vindictive. Over their protest it should not be passed. For the best interest of Arizona and New Mexico alike, and for the best interest of our common country as well, we protest against the passage of this or any bill uniting these two Territories for all time in a union obnoxious to either.

We herewith present an appendix showing that Arizona and New Mexico are each entitled to separate statehood, and also setting forth some of the protests reaching Congress against joining the two as proposed by the present bill.

Respectfully submitted.

JOHN A. MOON.
CHAS. C. REID.
JAMES T. LLOYD.
E. Y. WEBB.
JACK BEALL.
A. O. STANLEY.
MARK A. SMITH.

APPENDIX No. 1.

Protests to Congress against the passage of the joint State bill for New Mexico and Arizona.

These protests are all to the same purpose, and we will present in full only one or two and refer by title to some of the others.

The following resolutions were adopted unanimously at the convention held May 27, 1905, at Phoenix, to organize an antijoint statehood league:

"RESOLUTIONS.

"We, the members of the antijoint statehood convention, chosen from every political subdivision and representing the people of the Territory of Arizona, in convention assembled, do hereby declare:

"Whereas we have reasons to fear that at the coming session of Congress an attempt will be made to enact a law providing for the admission into the Union jointly, as one State, of the Territories of Arizona and New Mexico; and

"Whereas we have been authorized and directed by the people of Arizona to give an expression of their views in regard to such proposed union: Now, therefore, be it

"*Resolved*, That the people of Arizona are unalterably opposed to the union of Arizona with New Mexico.

"And on their behalf we do earnestly protest against the enactment of the proposed measure by the Congress of the United States, or of any measure which has for its purpose the admission of Arizona into the Union as a part of any other State or Territory.

"And, believing that all governments derive their just powers from the consent of the governed, we urge the Congress to heed this expression of the sentiments of our people on this question and to listen to some of the reasons why we will never consent to the proposed union.

"Our people feel a just pride in their history, prosperity, development, and high civilization, and confidently look to the future for the realization, through the development of our wonderful resources and by reason of the splendid energy and character of our citizenship, of a still higher civilization and more general prosperity, and to the time, near at hand, when our qualifications, by reason of our wealth, population, and development, to single statehood must be recognized by the whole people of America.

"We entertain for the people of our sister Territory, New Mexico, the kindliest feelings and sympathize with them in their efforts for admission as a State of the Union. Yet we profoundly believe that the union of the two Territories as one State would be inimical to the best and highest interests of the people of both, and because of the differences in our history, laws, customs, and races, and because of the geographical divisions which naturally separate and divide us such union would be particularly harmful to the people of Arizona.

"We believe that the complications which would inevitably result from an attempt to adjust impartially the burdens of the debts of the Territories and of the various counties and municipalities thereof would result in irreconcilable differences, and that the prosperity and welfare of the various Territorial institutions—educational, eleemosynary, and reformatory—would be endangered and their usefulness destroyed.

"We further believe that it would be impossible to adopt such a code of laws as would meet the conditions in each Territory, and yet which would be just to the whole people of the proposed State. We further represent that political autonomy is the dearest wish and hope of our people, and the stimulus of much of our work, labor, and effort in establishing institutions which have for their object the education of our children and the care and maintenance of the unfortunate, in the improvement and growth of our material interests, and in the development of our distinctive type of civilization; and that the loss of this autonomy would destroy our hope, discourage effort, confuse our purposes for the future, retard our development, and permanently injure us as a people.

"To be compelled against our will and desire to lose our identity, and to be merged into the proposed State in which we would have so little voice, wounds our pride and violates our sense of justice and fairness.

"Therefore, as patriotic and law-abiding people, we confidently appeal to the Congress of the United States to avert the disaster that threatens us, and rather than force upon us this proposed union to allow us to remain a Territory indefinitely."

The serious and dignified language of that manly protest should, with Congress, outweigh the unexplained and terse recommendation of the President on a question and a condition of which he can not possibly be as well informed as they and in which he can not possibly have a more patriotic or the same absorbing interest.

Without setting out the language of the various protests against this measure, we content ourselves by naming a few of the many which have been presented, to wit:

The memorial of the Arizona legislature.
Protest mayor and common council, Tucson.
Territorial Baptist Convention.
Board of supervisors, Yavapai County.
Phoenix and Maricopa Board of Trade.
Tucson Chamber of Commerce.
Miners' Association of Arizona.
Arizona Cattle Growers' Association.
The citizens of Clifton, Ariz.
Protest of citizens of Coconino County.
Protest of citizens of Mohave County.
Protest of Republican central committee.
Protest of Democratic central committee.
Protest of citizens of Clifton, Ariz.
Resolutions board of supervisors of Cochise County.
Resolutions annual convention Arizona Cattle Growers' Association.
Resolution John W. Owen Post, Phoenix, Ariz.

Resolutions members Central Child Study Circle, Phoenix, Ariz.
Resolution Business Men and Miners' Association, Wickenburg, Maricopa County, Ariz.
Protest of the Republican central committee.
Protest Methodist Episcopal Church.
Protest Methodist Episcopal Church, Maricopa County.
Protest Presbyterian Church, Phoenix.
Protest Arizona Federation of Women's Clubs.
Protest mayor and common council, Phoenix.
Protest volunteer fire department, Phoenix.
Protest Bar Association, Prescott.
Protest Territorial Bar Association.
Protest mayor and common council, El Paso, Tex.
Protest citizens, Valparaiso, Ind.
Protest citizens' mass meeting, Dos Cabezos.
Protest citizens' mass meeting, Tucson.
Protest, by petition, of 3,200 people of the State fair at Phoenix, obtained in thirty minutes, and a count of all refusing to sign showed less than 2 per cent of the people.
General Sampson obtained in Phoenix 1,200 names of protestants against the bill, and, keeping strict count and making no discrimination, reports that only 7 persons refused to sign.
Also, protest of Ministers' Conference, Phoenix, January 19.
Protest of the town of Tempe and many others too numerous to mention.

The governor of Arizona, in his last report just made to the Secretary of the Interior, says:

"Arizona is well qualified for self-government, but, although entitled to separate statehood, she is not seeking it, and only asks to be let alone at this time, and not be forced into a miserable merger where her splendid identity will be lost, and where she will be outvoted and dominated in every official way by a population not in sympathy with her institutions or her people. The citizens of Arizona also believe that their feelings and wishes in the premises are entitled to some consideration, and every board of trade, municipal and county government, Territorial bar, and banking association, with public institutions, educational and church, the organization of both political parties, the Territorial legislature, and the people of every town and hamlet have earnestly protested against what they believe would be an irreparable wrong."

Both Territorial conventions nominating candidates for Congress put a plank in their platform against joint statehood with New Mexico. The same was done in New Mexico, and the last legislative assembly of New Mexico in a joint resolution memorialized Congress against joint statehood.

APPENDIX No. 2.

Resources of Arizona.

It has been argued in Congress that only 1 per cent of the area of Arizona is suitable for cultivation. Arizona is so large that even if this were true—and it is not—this area would be greater in extent than the State of Rhode Island.

In 1905 there were 11,257,385 acres of land located and taxed; 13,854,615 acres of grazing land on the public domain; 26,089,600 acres in Indian and forest reserves. The balance of the Territory, consisting of 21,067,200 acres of mountainous or desert land, can never be reclaimed, but much of it is rich in minerals.

There are 520,000 acres of land which will be adequately supplied with water by the irrigation projects now in contemplation or under construction by the Federal Government.

Mr. F. H. Newell, United States Geological Survey, is authority for the statement that there are 800,000 acres in Arizona which can be reclaimed by irrigation. In the Salt River Valley alone there are 200,000 acres which will be supplied with water within two years by the Tonto reservoir, which is now under construction.

The area of this valley is equal to all of the irrigated land in southern California north as far as Santa Barbara, which supports Los Angeles and many other large cities.

The pine forests of Arizona cover an area of over 12,000 square miles.

The San Francisco Forest Reserve contains 1,939,640 acres. The Black Mesa 1,782,040, which, combined with the other smaller reserves, bring up the total acreage to nearly 7,500,000. (Dept. of Int. U. S. Geol. Surv. Papers 22 and 23.) In the Black Mesa there is now standing 4,081,498,000 feet B. M., with an average market value of $122,444,494. In the San Francisco Reserve 812,500 acres, or less than one-half, has been examined and measured. This shows 2,743,558,000 feet—market value, $82,306,740.

A safe estimate of the value of Government timber in Arizona is $300,000,000 when marketed.

We are informed by the Agricultural Department that with the introduction of new forage grasses our grazing land can be greatly extended and improved. New methods of cultivation without irrigation are being successfully tried in the Panhandle district in Texas, in Colorado, and in Utah, which conclusively show that a large part of our semiarid land, situated where irrigation is impossible, will eventually be profitably cultivated. It was only a few years ago that Kansas was considered a barren waste.

The census of 1900 gives Arizona 113 producing mines in operation, and 381 mines in process of development. On January 1 of that year the records show that altogether 1,085 patents and applications for patents had been filed in the land offices.

On November 15, 1905, the records show 1,620 patents and applications, 50 per cent more than all that had been applied for previous to 1900.

The total yield so far as can be shown by data from 1870 to 1894, of gold, silver, and copper, is $156,368,620.70. (Table 203, Mines and Quarries.) During the decade ending in 1904 the production of gold and silver amounted to $55,343,683, notwithstanding the great depreciation in the price of silver. The production of copper during this decade increased 300 per cent and amounted to $119,566,688.

These earlier figures are based on the reports of the commissioner of mines and Wells-Fargo Express Company, which transported most of the output. The latter figures are from reports of directors of the mints.

During the last two or three years railroad construction has opened up new districts; the Prescott and Eastern Railway, the Arizona and Eastern Railway, and the Phoenix and Eastern Railway run into the heart of rich mineralized regions where mining has previously been impracticable. Official figures are not available, but it is common knowledge that the output of our mines has doubled in three years, and that Arizona, now second in the production of copper, will step ahead of Montana in 1906 and take first place. When it is realized that this product comes from mines that can be counted on one hand, it is vain to predict the possibilities of the future.

The mineral belt of this Territory is one of the largest in the world. It reaches from Nevada and Utah in the northwest, passing diagonally through the Territory into the State of Sonora, Mexico, in the southeast, a distance in length of 437 miles by about 100 miles in width.

The grazing belt extends from the line of New Mexico on the east to the timber belt, 140 miles west. The timber belt is a vast area of great pine forests, containing nearly 10,000 square miles of as fine timber as there is in the world.

MANUFACTURING.

Manufacturing, except the smelting of ores, is nearly all a thing of the future, but with our swift mountain streams to develop power it will come as it does in all well-settled countries. The streams available for power are: Upper Gila River, San Francisco River, Little Colorado River, Verde River, Concho River, Nutrioso River, Virgin River, Bill Williams Fork, White River, Salt River. Five thousand horsepower has already been developed on the Salt at the Tonto dam site.

With this showing of resources that can and will be developed, we submit it is unnecessary to force the people of Arizona into this distasteful and indissoluble union with New Mexico.

With such a showing as this in our undeveloped resources, in agricultural lands, grazing lands, forests and mines, has any man the right to say that Arizona will not, even within ten years' time, rank well up in the list of States and Territories in her developed resources and, as a result, in population?

AGRICULTURE.

In 1870 there were only 172 farms in Arizona, containing 21,807 acres, of which 66.9 were improved and had a valuation, with live stock, of $325,441. (12th Census, pp. 142–144, Vol. V.) This was only thirty-five years ago.

With the advent of railroads and the disappearance of hostile Indians we find in 1880 there were 767 farms, an increase during the decade of 345.9 per cent, having a total acreage of 135,576, an increase of 521.7 per cent, with valuations aggregating $2,384,746, an increase of 632.8 per cent. (12th Census, pp. 688–693, Vol. V.)

In 1890 the farms had increased to 1,426 in number, or 85.9 per cent, the acreage to 1,297,033, or 856.7 per cent, while the valuations amounted to $10,676,470, a gain of 347.7 per cent. The individual holdings during this decade averaged 910 acres to the farm and only 8 per cent was improved.

In 1900 the number of farms was increased to 5,809, the acreage per farm reduced to an average of 333, the valuations increased to $29,906,877, an increase of 161.9 per cent, and even then only 13.2 per cent was improved. (12th Census, pp. 696, Vol. V.)

The total value of crops for the year 1899 (the last year in the census reports) was $6,997,097. Live stock, $15,375,286, of which $2,908,745 worth were sold for export; $296,013 were consumed in the Territory. The total farm products for the year amounted to $10,201,855, an average of $1,739 per farm, or $60.70 per acre of cultivated lands. A portion of this profit should be attributed to grazing lands belonging to the Federal Government, but all range cattle are fattened for market in the valleys that are irrigated.

This summary of the increased production is an answer to the argument that Arizona has not advanced "in three hundred years."

The following table will show the productiveness of Arizona soil for a period of ten years (Yearbook, issued by Department of Agriculture):

Wheat.—Arizona: Average bushels per acre, 21.5; value per acre, $17.47; value per bushel, 81.2 cents. United States: Average bushels per acre, 13.4; value per acre, $8.66; value per bushel, 64.6 cents.

Corn.—Arizona: Average bushels per acre, 28.8; value per acre, $22.17; value per bushel, 77 cents. United States: Average bushels per acre, 24.7; value per acre, $10.02; value per bushel, 40.3 cents.

Oats.—Arizona: Average bushels per acre, 34; value per acre, $22.14; value per bushel, 65.1 cents. United States: Average bushels per acre, 28.7; value per acre, $7.70; value per bushel, 26.8 cents.

Hay.—Arizona: Average tons per acre, 2.63; value per acre, $27.28; value per ton, $10.37. United States: Average tons per acre, 1.37; value per acre, $10.89; value per ton, $7.87.

Special crops under high culture produce remarkable results. The following are a few well-authenticated recent instances taken from the Salt River Valley:

Mr. J. W. Toumey, of Glendale, has produced 15 tons of alfalfa to the acre in one year which sells in the stack for $5 a ton.

Mr. J. W. Black, near Phoenix, realized $1,200 per acre of strawberries on a large crop from May to December.

The cantaloupe crop yields from 150 to 200 crates per acre, and due to the early market nets the skillful farmer from $200 to $500 per acre.

Mr. A. G. Bailey raised 8,249 pounds of peaches from 1 acre, which he sold on the spot for $412.45.

The figures on citrus fruits are even greater, but, of course, they require more time to come into bearing.

Thirty and three-tenths per cent of the population of Arizona are engaged in farming, as compared with 35.6 for the United States. Eighty-four and one-tenth per cent of the farmers own their homes with only 5.4 per cent mortgaged. The average in the United States is 44.4 per cent own homes and 20 per cent are mortgaged.

In 1900 there were in Arizona 519 irrigating canals completed aggregating 1,492 miles, costing $4,408,158, serving 185,396 acres of land. In 1902 there were 781 canals, an increase in two years of over 50 per cent, serving an acreage of 247,250. (Irrigation Bulletin No. 16, 1903.)

EDUCATIONAL.

[Judge Layton's report.]

	1895.	1905.	Increase, 10 years.
School census	15,201	20,290	92.6 per cent.
Schools	219	523	139.2 per cent.
Teachers	314	538	121.3 per cent.
Expenditures	$201,357.89	$533,068.19	165 per cent.
Properties	$414,447.00	$925,033.00	123 per cent.
Bonded indebtedness		$425,407.83	
Excess value of properties over indebtedness.			117 per cent.
Total expenditures 1895 to 1904, inclusive.		$3,557,784.11	

RELIGIOUS.

[Governor's reports.]

	1895.	1905.	Increase.
Churches	103	171	66 per cent.
Preachers	111	254	128.8 per cent.
Members	11,562	47,622	311 per cent.
Sunday-school scholars	6,147	22,124	259 per cent.
Properties	$594,900.00	$936,732.00	57 per cent.

LANDS AND SCHOOL CENSUS.

[Area, 112,920 square miles. Acres, 72,268,800.]

	Apportionment.
1. Indian and forest reserves	26,089,600 acres.
2. Mountainous, rocky and desert, largely mineral	21,067,200 acres.
3. Grazing lands, public domain, reclaimable	13,854,615 acres.
4. Located and taxed, 1905	11,257,385 acres.

	1895.	1905.	Increase, 10 years.
4. Taxable acreage	3,862,282	11,257,385	291.5 per cent.
4. Valued with improvements	$13,448,560.93	$21,722,696.05	161.5 per cent.
4. Live-stock valuation	$4,870,632.48	$5,461,500.00	11 per cent.
4. Mines and improvements	Not assessed.	$14,440,689.31	Total.
4. Railroad and other properties.	$9,199,129.08	$16,584,828.47	179 per cent.
		$58,159,713.84	
Less exemptions		$239,341.00	
	$27,518,322.49	$57,920,372.84	210 per cent.
5. School census	15,201	29,290	926 per cent.
6. Vote (1894)	13,427	a21,431	59.4 per cent.
Population (governor's estimate).	77,000	170,075	120 per cent. b
Wealth per capita	$193.00	$352.31	82 per cent.
6. Banks, capital, surplus, and deposits.	$1,093,900.00	a$9,068,109.63	729 per cent.
7. Net indebtedness	$824,139.24	a$1,010,302.86	22 per cent.

Exclusive of county funded debts.
1. Government surveys.
2. Geological surveys.
3. Estimated improvements.
4. Board of equalization reports.
5. Judge Layton's report.
6. Governor's reports.
7. Treasurer's report.

a 1904.

b Based on census reports and methods from the increase in school population and on increase of registered voters.

ARIZONA BANKING CONDITIONS AS SHOWN BY REPORTS OF BANK EXAMINER.

June 30—	Territorial banks.			National banks.		
	No.	Capital stock.	Deposits.	No.	Capital stock.	Deposits.
1897	7	$237,600.00	$1,050,971.66	-----	-----	-----
1898	7	221,600.00	1,279,378.85	-----	-----	-----
1899	8	229,700.00	1,386,253.42	-----	-----	-----
1900	16	396,050.00	2,402,017.35	5	$400,000.00	$2,346,288.35
1901	16	470,000.00	3,296,320.49	7	455,000.00	2,929,160.37
1902	16	500,300.00	3,928,710.56	7	455,000.00	3,086,377.42
1903	22	773,310.00	4,755,569.00	11	602,500.00	3,730,784.12
1904	22	768,310.00	5,009,118.67	11	605,000.00	4,058,990.96
1905	18	755,200.00	5,531,706.16	10	580,000.00	4,484,139.95

COPPER.

[Department of Commerce and Labor, volume 1, Mines and Quarries, 1902, page 482.]

	Michigan.		Montana.		Arizona.	
	Product.	Per cent of whole.	Product.	Per cent of whole.	Product.	Per cent of whole.
	Long tons.		*Long tons.*		*Long tons.*	
1895	57,737	34.0	84,900	50.0	21,408	12.6
1896	64,073	31.2	99,071	48.2	32,560	15.8
1897	64,858	29.4	102,807	46.6	36,398	16.5
1898	66,291	28.2	92,041	39.2	49,624	21.1
1899	65,803	25.9	100,503	39.6	59,399	23.4
1900	64,938	24.0	120,865	44.7	52,820	19.5
1901	69,772	25.9	102,621	38.2	58,383	21.7
1902	76,165	25.9	128,975	43.8	53,547	18.2

[Pages 486–487. Detail for 1902.]

	Product.	Value.	Number of mines.	Number of acres.
	Pounds.			
Michigan	171,102,065	$20,100,425	20	39,281
Montana	268,440,090	30,092,781	23	2,306
Arizona	121,409,275	13,367,135	27	13,754

Detail previous years not available.

The Copper Handbook (Stevens) estimates the production in Arizona for 1903 at 150,000,000 pounds.

The same authority places that for 1904 at 230,000,000 pounds, based upon production of the larger properties.

Output 1905 is 241,400,000 pounds.

RESOURCES OF NEW MEXICO.

New Mexico is likewise prepared for single statehood, as the following statement of her resources will show. But as no hearings have been had before the committee at this session of Congress touching the resources in New Mexico, the minority presents the facts reported by the minority of the committee in the last Congress.

New Mexico was acquired from the Republic of Mexico by the treaty of Guadalupe-Hidalgo February 2, 1848, and by the Gadsden purchase of December 30, 1853.

It is 360 miles north and south by 346 miles east and west, and contains 122,580 square miles, or 78,451,200 acres, on which, by the census of 1900, live a population of 195,310, being 1.6 persons to the square mile.

As in the case of Arizona, the census is claimed to be inaccurate, and the Delegate from New Mexico claims a population of not less than 350,000.

FARMS AND FARM PRODUCTS.

Number of farms, 1890, 4,458; in 1900, 11,834. Acres in farms in 1890, 787,882; in 1900, 5,130,878. Value of farms in 1890, $33,543,141; in 1900, $53,737,824. Value of farm lands, 1890, $8,140,800; 1900, $20,888,824. Value of farm implements, 1890, $291,240; 1900, $1,151,610. Value of live stock, 1890, $25,111,201; 1900, $31,727,400. Value of farm products, 1890, $2,000,000; 1900, $10,000,000. Acres in alfalfa, 1890, 12,139; 1900, 55,467. Acres under culture, 1890, 91,745; 1900, 203,893. Butter, 1890, 105,000 pounds; 1900, 381,000. Eggs, 1890, 280,000 dozen; 1900, 840,000 dozen. Hay, census of 1900, $1,427,317. Cereals, 1900, $979,903. Vegetables, 1900, $278,413. Acres under irrigation, 326,873. Improved farms, 1900, 12,311. Farms under irrigation, 9,128. Value of irrigated farms, $13,551,592. Value of nonirrigated farms, $3,773,177.

The above statistics do not take into consideration the lands cultivated by the Indians, the Pueblos being farmers and great producers of crops; nor of crops raised on farms of less than 3 acres, of which there are many thousands in New Mexico.

PUBLIC LANDS.

Subject to entry under the Federal land laws on June 30, 1903, 52,000,000 acres. Included in the four forest reserves, 5,125,000 acres; in land grants approved by Congress, 9,963,200 acres; by the Court of Private Land Claims, 1,900,945 acres. The land grants approved by Congress include 540,065 acres to the Indians.

Public lands entered from June 30, 1900, to June 30, 1903, 2,179,738 acres; from June 30, 1900, to June 30, 1901, 655,739.54 acres; June 30, 1901, to June 30, 1902, 441,871; June 30, 1902, to June 30, 1903, 1,082,128.

Homesteads entered from June 30, 1900, to June 30, 1903, 1,120,477 acres; from June 30, 1900, to June 30, 1901, 265,524 acres; from June 30, 1901, to June 30, 1902, 386,757 acres; from June 30, 1902, to June 30, 1903, 468,196 acres.

Desert-land entries, June 30, 1900, to June 30, 1903, 129,595 acres; from June 30, 1900, to June 30, 1901, 8,472; from June 30, 1901, to June 30, 1902, 46,596; from June 30, 1902, to June 30, 1903, 74,585 acres.

MINERAL PRODUCTION.

From 1860 to 1900 New Mexico produced $17,600,000 worth of gold. In 1903 New Mexico produced: Gold, $384,685; silver, $148,659; copper, $860,737; lead, $94,936; a total of $1,489,016. This does not include the production by individual placer miners or by prospectors not mining in a systematic manner. In addition, New Mexico produced a vast quantity of coal, iron, turquoise, gypsum, building material, and a number of other useful minerals and precious stones. The Colorado Fuel and Iron Company during the fiscal year hauled 138,152 long tons of iron ore out of New Mexico. The Director of the Mint gives the gold production of New Mexico for 1902 at $531,000 and of silver at $580,000.

COAL.

Area of prospected coal lands, 1,493,480 acres; amount of coal in sight, 8,813,840,000 tons, valued at $10,000,000,000. Coal produced from June 30, 1900, to June 30, 1903, 3,710,004 tons, valued at $5,011,281.70. Coke produced in those three years, 94,097 tons, valued at $252,642. There were 28 coal mines worked during the past year, 3 new mines were opened, 1 resumed, and 2 abandoned. Coal produced from June 30, 1900, to June 30, 1901, 1,217,530 tons, valued at $1,606,174; from June 30, 1901, to June 30, 1902, 1,132,944 tons, valued at $1,609,848.90; from June 30, 1902, to June 30, 1903, 1,559,534 tons, valued at $1,795,208.80. Coke was produced as follows: From June 30, 1900, to June 30, 1901, 42,732 tons, valued at $117,516.25; from June 30, 1901, to June 30, 1902, 25,012 tons, valued at $58,207; from June 30, 1902, to June 30, 1903, 26,353 tons, valued at $76,919. Men employed in the coal mines June 30, 1901, 1,870; June 30, 1902, 1,682; June 30, 1903, 2,341.

RAILROADS.

There were 1,679 miles of railroad in New Mexico on June 30, 1900; 1,981 miles on June 30, 1901; 2,263 miles on June 30, 1902; 2,520 miles on June 30, 1903; a total increase in three years of 841 miles.

STOCK.

New Mexico has 1,123,000 head of cattle, 5,674,000 head of sheep, 113,000 head of goats, 97,500 head of horses. Its wool crop in 1902 was 22,000,000 pounds. During the fiscal year there were shipped out of the Territory 184,602 head of cattle, 5,526 horses, 17,275 hides, and 422,252 head of sheep.

INTERNAL REVENUE.

From June 30, 1900, to June 30, 1903, New Mexico paid $130,375.11 in internal revenue; for the year ending June 30, 1903, $33,918; for the year ending June 30, 1902, $37,847.80; for the year ending June 30, 1901, $59,609.31.

INCORPORATIONS.

In the past three fiscal years 553 companies filed incorporation papers, with a capitalization of $309,711,966, with the Territorial secretary. In the fiscal year ending June 30, 1901, 149 companies incorporated, with a stock of $89,735,925. In the fiscal year ending June 30, 1902, 204 companies incorporated, with a capitalization of $119,446,500. In the year ending June 30, 1903, 200 companies incorporated, with a capitalization of $100,529,541.

ASSESSMENT.

In 1900 the Territorial assessment subject to taxation was $36,364,716.16. In 1901 the Territorial assessment was $36,977,047.94. In

1902 the assessment was $38,633,993.27. In 1903 the assessment was $41,832,566.79, including exemptions amounting to $2,235,615, leaving an assessment subject to taxation of $39,596,951.79. Property in New Mexico is assessed at an average of only 20 per cent of its real value.

TAXES COLLECTED.

Revenue of the Territory the past three years, $1,545,241.37, of which $1,127,689.18 came from direct taxation; $419,622.06 collected during the fiscal year ending June 30, 1903; $332,328.85 collected during the fiscal year ending June 30, 1902, and $375,738.27 for the fiscal year ending June 30, 1901. From other sources Territorial revenue was derived to the amount of $407,542.19, $142,758.22 being received during the fiscal year ending June 30, 1901; $118,005.17 during the year ending June 30, 1902, and $156,788.80 during the year ending June 30, 1903.

Federal appropriations for disbursement in New Mexico during the year ending June 30, 1903, $423,070.

Territorial tax rate, 1900, 14.05 mills; 1901, 14.29 mills; 1902, 13.99 mills.

PUBLIC BUILDINGS AND GROUNDS.

The Territory maintains 15 Territorial institutions, the value of whose buildings and grounds is $2,000,000 without the grants of land made to them by Congress. In addition the Territory grants subsidies to 7 hospitals and an orphan asylum maintained by religious and charitable organizations. The value of the public school property of the Territory is $690,697.91, not counting the school sections in each township. The value of the public property of counties and towns, not counting grants to towns like Santa Fe, Las Vegas, Socorro, etc., is $495,000, making a total value of public property, not including lands, of $3,185,697.91.

EDUCATIONAL.

School population: 1903, 68,152; 1902, 62,864; 1901, 53,008. The school population includes all children between the ages of 5 and 21 years, and the census is taken annually.

Enrollment in the public schools: 1903, 37,646; 1902, 35,227; 1901, 31,510; 1900, 21,761.

Average daily attendance: 1903, 24,856; 1902, 22,573; 1901, 19,451.

Public schools: 1903, 665; 1902, 603; 1901, 559.

Teachers: 1903, 757; 1902, 712; 1901, 671.

Expenditures: 1903, $287,545.02; 1902, $324,784.91; 1901, $202,882.53.

Receipts from all sources: 1903, $454,342.38; 1902, $424,365.42.

Average school term, four months; average salary paid teachers, $56 per month; total value of all school property in the Territory, $2,071,702.25; enrollment of pupils in all of the schools, 42,925; annual expenditures for all of the schools, $723,048.32; total expended for the public schools the past three years, $815,212.46.

CHURCHES.

The Roman Catholic Church in New Mexico has 1 archbishop, 1 bishop, 1 vicar-general, 16 regular priests, and 43 secular priests. It has 42 churches with resident priests, 325 mission churches, 6 academies for young ladies, 1 college, 8 parochial schools, 2 boarding schools for Indians, with 300 pupils; 2 day schools for Indians, with 200 pupils; 2 academies for boys.

Baptist churches, 36, of which 4 became self-supporting during the past year; 1 college, and a number of mission schools.

Lutheran churches, 3.

Methodist Episcopal, 17 English-speaking congregations, a number of Spanish-speaking churches, and a number of mission schools.

Presbyterians, 45 congregations, 30 preaching stations, 25 mission schools taught by 45 teachers, and an enrollment of 1,562 pupils.

Mormons, 2 churches, with 277 souls. A few scattered members in addition at Bloomfield.

The Christian Church and other Protestant denominations have about 20 congregations in the Territory.

The Hebrews have a synagogue at Las Vegas and Albuquerque, and have church organizations in two or three of the larger towns.

NEWSPAPERS.

On September 15, 1903, there were 70 newspapers published in New Mexico, 5 of them daily, 60 weekly, and 5 monthly; in 1902, 65; in 1901, 67. Of late years many of the old newspapers have consolidated with newer papers, giving better news service, having larger subscription lists, and wielding greater influence than ever before. Each of the five daily papers has a complete Associated Press service.

BANKS.

On June 30, 1903, there were 19 national banks and 11 State banks; June 30, 1902, 15 national banks and 11 State banks; June 30, 1901, 11 national banks and 9 State banks.

Resources: June 30, 1903, $10,696,449.31; June 30, 1902, $9,677,165.82.

Mr. MOON of Tennessee. Mr. Speaker, the controversy between the two parties in this House on the admission of the Territories of Arizona and New Mexico and Oklahoma and Indian Territory as States has been very intense for some years past. The Democratic party, or its representatives in this body, have felt that it was to the interest of all the people of the United States that the balance of power in this Government between the sections should be preserved in the Federal Senate by the admission of four States, and have opposed the consolidation of these four Territories into two States. But in the consideration of the case of Oklahoma and Indian Territory, we were confronted with the principle that has always been sacred to the Democratic party—the demand of the people of these two Territories for joint statehood. Yielding our own views in order that the voice of the people might be obeyed, the minority of the Committee on Territories readily acceded to the proposition of the majority for the union of Oklahoma and the Indian Territory. For the very same reasons that we agreed to the union of these two Territories we have opposed the union of Arizona and New Mexico, because it was apparent to us that the people of those Territories did not desire union, and we felt that it was against the principles of good government, against the cherished theories of both parties, to force an unwelcome union upon these two Territories. [Applause.] We yield to the will of the people in both instances and sustain the principles of free institutions. We saw this House by a large majority vote us down, as the majority of the committee had done. Again, in conference, after the bill came from the Senate, we saw the contention of the House sustained by a majority of the conferees, and then, Mr. Speaker, we witnessed that which seldom has occurred in this or any other body.

The reports that had been made to the two Houses by the majority of the managers of both Houses were quietly withdrawn from the two bodies, and again the matter went into conference. In the meantime there had been a consultation on the part of the Republican majority of the House and Senate on the situation. The result at the next meeting was the agreement to the report that is now before the House for consideration—a unanimous agreement. Strange to say, it embodies the very principles for which the Democracy has contended for six long years in this House. [Applause on the Democratic side.] It is not for me to say what induced the majority, having the power to pass a bill of another character, to yield to the will of the minority. Shall we attribute it to political exigencies, or to the high sense of justice which the majority at last reached, in accordance with the views of the minority?

Mr. Speaker, there is nothing more to be said on this question. We are ready to vote. We unite with the majority in asking the adoption of the unanimous report of this committee, that the great people of Oklahoma and the Indian Territory may assume the powers of a sovereign State and come under the folds of the flag and the protection of the Constitution, and that the people of Arizona and New Mexico, in accordance with the long-established doctrine of a free people, shall, by their own voice, determine whether they shall enter the Union as States or remain as Territories of the Republic. [Prolonged applause on the Democratic side.]

Mr. HAMILTON. Mr. Speaker, I yield five minutes to the gentleman from Arizona [Mr. SMITH].

Mr. SMITH of Arizona. Mr. Speaker, three times through the House of Representatives, twice Democratic and once Republican, and in a Republican House having the support of several Members now on this Territorial Committee, we have succeeded in passing bills for the creation of separate States out of New Mexico and Arizona. Born somewhere of a parentage of which it should be ashamed, a bill was brought into this House absolutely closing the mouth of every man in Arizona, a country for which those pioneers for forty-five years had fought, and alas, too many of them had died. Arizona was to be put at the mercy of New Mexico, and under the bill reported to this House we were to hold a constitutional convention, composed of delegates from each Territory. Whether we wanted it or not, we were to form a constitution and submit it to the people, both Territories voting as one on its adoption, and there should be a nomination of State officers and of the legislature, which should elect Senators, and in that we were to vote as a unit, and if every man in Arizona had voted against it, we would have been compelled to submit, provided two-thirds of the other Territory wanted it. Against that we on the Democratic side have stood as one man; and, thank God, there was also a united, though small, band of Republicans—alleged insurgents of to-day—the patriots of to-morrow—by their patriotic resistence of all blandishments called the attention of the world to the outrage that this House was attempting to perpetrate against the unoffending people of the West. [Applause on the Democratic side.]

The less said about the way this original bill has been pressed the better for the history of this Congress, and I refrain from going into that part of it. There is a law in Arizona that if one legislator trades with another on the legislation before that body he is guilty of a very high misdemeanor, and if the governor shall attempt in that benighted land to influence legislation by promises of veto or the withholding of veto to secure other legislation he goes to the penitentiary under the laws of that land.

I congratulate my people, and in their name I thank this side of the House, and doubly in their name do I thank that brave, honest, and incorruptible band of Republican "insurgents" who, by exercise of justice in statesmanship, have shed glory on their names and gratified the honest constituency who gave them their high place in this august body. When I consider all that beset our path in this long and cruel fight, I congratulate Arizona that she at least shall say whether she will or will not be forced into an obnoxious union. For this we fought, and the battle has been won. At the next session of this Congress, when the returns from that election shall be known, we will hear no more of joint statehood for these Territories. The five

million bribe put in this bill will not seduce the manhood of our people from their duty to their country, as it will show at the coming election by such a majority that this monstrous wrong will never again be attempted on the floor of this House. [Applause on the Democratic side.]

Mr. CANNON. Mr. Speaker——

The SPEAKER pro tempore (Mr. DALZELL). The gentleman from Illinois.

Mr. CANNON. Mr. Speaker, I will ask the gentleman from Michigan to yield to me for five minutes.

Mr. HAMILTON. Mr. Speaker, I yield to the gentleman from Illinois for five minutes. [Prolonged applause.]

Mr. CANNON. Mr. Speaker, as a Member of the House of Representatives during this session, as at all other sessions, I have represented my constituency and acted for the whole people according to my best judgment. The coming into the Union of Oklahoma and the Indian Territory meets my approval. If I had my choice and were supreme I would infinitely prefer to see Oklahoma and the Indian Territory come separately, with an aggregate population of almost one and one-half millions, with four Senators, rather than to see New Mexico and Arizona come together, and God knows, rather than to see them come singly, with less than 300,000 population, with four Senators. It is not a secret as to my views as a Representative. I have sought to the best of my ability to voice my views. You have the result before you. Although every man in the Indian Territory should vote against statehood for the new proposed State of Oklahoma, notwithstanding that protest the State would be and will be formed under this enabling act.

Mr. SMITH of Arizona rose.

Mr. CANNON. I do not yield at this moment. There is no separate vote there. There is a separate vote, however, as to the other—Arizona and New Mexico. So much for that. I do not propose to go into the merits of this proposition at this time. I would not have taken the floor had not the honorable gentleman, the Delegate from Arizona [Mr. SMITH], made the remark that there was a high penalty for the governor of that Territory to attempt to influence legislation, or for one legislative body or its membership to attempt to traffic in legislation with the other, in order to secure certain other legislation, if I correctly state him.

That remark could not have had but one motive and one meaning, and that meaning is that some one in the House has sought to affect legislation in the House as a matter of traffic in order to secure action upon this matter in the Senate or in the House. That imputation implied, so far as it reflects upon the Speaker of this House and, so far as I know or believe, upon any other Member of this House, is unworthy of the gentleman that uttered it and without foundation in fact. [Loud applause.] If it were necessary to furnish proof of this statement, I look about me here on my own side of the House on Members with whom I disagreed touching the progress of this bill from time to time, and upon that side of the House, and I pause and invite any Member present who has the least intimation, knowledge, or even belief that the statement implied in the insinuation of the gentleman is true to so state. [Loud and long-continued applause.]

Mr. HAMILTON. Mr. Speaker, I move the previous question.

The SPEAKER. The gentleman from Michigan [Mr. HAMILTON] moves the previous question.

The question was taken; and the previous question was ordered.

The SPEAKER. The question is on agreeing to the conference report.

The question was taken; and the conference report was agreed to. [Loud and long-continued applause.]

On motion of Mr. HAMILTON, a motion to reconsider the last vote was laid on the table.

AGRICULTURAL APPROPRIATION BILL.

Mr. WADSWORTH, from the Committee on Agriculture, presented the report of the committee upon Senate amendments to the agricultural bill; which report was referred to the Committee of the Whole House on the state of the Union, and ordered to be printed.

Mr. WADSWORTH. I am requested, Mr. Speaker, to give notice that the minority report, covering one or two points in the bill, will be presented to-morrow.

The SPEAKER. Without objection, the minority report may be filed to-morrow. [After a pause.] The Chair hears no objection.

NAVAL APPROPRIATION BILL.

Mr. FOSS. Mr. Speaker, I submit a conference report and statement on the part of the managers of the House upon the naval appropriation bill, and ask that the same be printed in the RECORD, under the rules.

The SPEAKER. The gentleman from Illinois presents the report and statement of the managers on the part of the House upon the naval appropriation bill for printing under the rules. Is there objection?

There was no objection.

LIGHT-HOUSE BILL.

Mr. MANN. Mr. Speaker, I call up the conference report on the bill H. R. 19432.

The SPEAKER. The gentleman from Illinois [Mr. MANN] calls up the conference report on the bill H. R. 19432, of which the Clerk will read the title.

The Clerk read as follows:

A bill (H. R. 19432) to authorize additional aids to navigation in the Light-House Establishment.

Mr. MANN. Mr. Speaker, I ask unanimous consent to omit the reading of the report.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

The conference report and statement are as follows:

CONFERENCE REPORT.

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 19432) to authorize additional aids to navigation in the Light-House Establishment, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 7, 9, 10, 16, 17, 18.

That the House recede from its disagreement to the amendments of the Senate numbered 2, 3, 4, 5, 6, 11, 12, 13, 15; and agree to the same.

Amendment numbered 1: That the House recede from its disagreement to the amendment of the Senate numbered 1, and agree to the same with an amendment as follows: In the first line of the language proposed strike out the words "light-ship" and insert in lieu thereof the words "light vessel;" and the Senate agree to the same.

Amendment numbered 8: That the House recede from its disagreement to the amendment of the Senate numbered 8, and agree to the same with an amendment as follows: In next to the last line of the language proposed strike out the words "to construct" and insert in lieu thereof the words "toward constructing;" and the Senate agree to the same.

Amendment numbered 14: That the House recede from its disagreement to the amendment of the Senate numbered 14, and agree to the same with an amendment as follows: In lieu of the language proposed insert the following: "Range lights, Superior pierhead, Lake Superior, Wisconsin, at a cost not to exceed twenty thousand dollars;" and the Senate agree to the same.

Amendment numbered 19: That the House recede from its disagreement to the amendment of the Senate numbered 19, and agree to the same with an amendment as follows: In lieu of the language proposed insert the following: "A light and fog-signal station, Hinchinbrook entrance, Prince William Sound, Alaska, at a cost not to exceed one hundred and twenty-five thousand dollars;" and the Senate agree to the same.

JAMES R. MANN,
F. C. STEVENS,
W. C. ADAMSON,
Conferees on the part of the House.

KNUTE NELSON,
J. H. GALLINGER,
THOMAS S. MARTIN,
Conferees on the part of the Senate.

STATEMENT.

The managers on the part of the House, at the conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 19432) to authorize additional aids to navigation in the Light-House Establishment, submit the following statement in explanation of the action agreed upon and recommended in the conference report:

Amendment No. 1 provides for a light vessel near the entrance to Buzzards Bay, Massachusetts. The House recedes from its disagreement with a verbal amendment.

Amendments Nos. 2, 3, 4, 5, and 6 provide for gas buoys and various other aids to navigation, at a cost of $94,200, for light-

ing Ambrose channel, New York Bay, in addition to those carried by the bill as it passed the House. The House recedes from its disagreement to this amendment.

Amendment No. 7 provides for a light-keeper's dwelling at Stonington Breakwater, Connecticut. The Senate recedes.

Amendment No. 8 provides for a light and fog-signal station at Southwest Ledge, New London Harbor, Connecticut. The House recedes from its disagreement with a verbal amendment.

Amendment No. 9 provides for a light and fog-signal station at Greenville channel, New Jersey. The Senate recedes.

Amendment No. 10 provides for a light and fog-signal station on Horseshoe Shoal, Delaware River. The Senate recedes.

Amendment No. 11 provides for a light and fog-signal station on Joe Flogger Shoal, Delaware River. The House recedes.

Amendments Nos. 12 and 13 increase the cost of the inspector's tender in the sixth light-house district, provided for by the sum of $5,000 over the limit fixed by the bill as it passed the House. The House recedes and agrees to the amendments.

Amendment No. 14 provides for removing the Superior pierhead range lights, Wisconsin, from the south pier to the north pier, at a cost of $28,000. The House recedes from its disagreement to the Senate amendment with an amendment striking out all of the Senate amendment and inserting in lieu thereof the following:

"Range lights, Superior pierhead, Lake Superior, Wisconsin, at a cost not to exceed twenty thousand dollars."

Amendment No. 15 provides for a new engineer's tender in the twelfth light-house district (California and Hawaii), at $150,000. The House recedes.

Amendment No. 16 provides for a light and fog signal at Karquinez (Karquines) Strait, California, at a cost of $50,000. The Senate recedes.

Amendment No. 17 provides for a new tender at the Hawaiian Islands. The Senate recedes.

Amendment No. 18 provides for a new light vessel at Swiftsure Bank, entrance to Juan de Fuca Strait, Washington, at a cost not to exceed $150,000. The Senate recedes.

Amendment No. 19 provides for a light and fog-signal station on Cape Hinchinbrook, Alaska, at a cost not to exceed $75,000. The House recedes from its disagreement with an amendment which will leave the definite location of the light-house to be hereafter fixed by the Light-House Board and which increases the amount of the authorization to $125,000, which sum it is believed by the House managers is necessary for the construction of the light-house proposed.

The total amount of authorizations carried by the bill as it passed the House were $1,313,500. The House agrees to authorizations added by Senate amendments to the amount of $639,200. The Senate recedes from Senate amendments carrying authorizations to the amount of $514,000. The total amount of authorizations carried by the bill as agreed to in conference is $1,952,700.

JAMES R. MANN,
F. C. STEVENS,
W. C. ADAMSON,
Managers on the part of the House.

The SPEAKER. The question is on agreeing to the conference report.

The question was taken; and the conference report was agreed to.

On motion of Mr. MANN, a motion to reconsider the last vote was laid on the table.

SENATE BILLS REFERRED.

Under clause 2 of Rule XXIV, Senate bills of the following titles were taken from the Speaker's table and referred to their appropriate committees, as indicated below:

S. 6462. An act granting lands to the State of Wisconsin for forestry purposes—to the Committee on the Public Lands.

S. 6443. An act authorizing and directing the Secretary of the Interior to sell to the city of Los Angeles, Cal., certain public lands in California; and granting rights in, over, and through the Sierra Forest Reserve, the Santa Barbara Forest Reserve, and the San Gabriel Timber Land Reserve, Cal., to the city of Los Angeles, Cal.—to the Committee on the Public Lands.

S. 4809. An act granting an increase of pension to Ann Thompson—to the Committee on Pensions.

S. 6301. An act granting an increase of pension to William C. Long—to the Committee on Invalid Pensions.

ENROLLED BILLS SIGNED.

Mr. WACHTER, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills of the following titles; when the Speaker signed the same:

H. R. 19150. An act to change and fix the time for holding the circuit and district courts of the United States for the middle district of Tennessee, in the southern division of the eastern district of Tennessee, at Chattanooga, and the northeastern division of the eastern district of Tennessee at Greenville, and for other purposes;

H. R. 9813. An act granting a pension to Harriet P. Sanders;

H. R. 17663. An act to extend the provisions of the act of March 3, 1901, to officers of the Navy and Marine Corps advanced at any time under the provisions of sections 1506 and 1605 for eminent and conspicuous conduct in battle;

H. R. 17510. An act to provide for a reconnoissance and preliminary survey of a land route for a mail and pack trail from the navigable waters of the Tanana River to the Seward Peninsula, in Alaska, and for other purposes;

H. R. 15331. An act making appropriations for the current and contingent expenses of the Indian Department, for fulfilling treaty stipulations with various Indian tribes, and for other purposes, for the fiscal year ending June 30, 1907;

H. R. 19642. An act to regulate the keeping of employment agencies in the District of Columbia where fees are charged for procuring employment or situations;

H. R. 18330. An act transferring the county of Clinton, in the State of Iowa, from the northern judicial district of Iowa to the southern judicial district of Iowa; and

H. R. 17983. An act providing for the erection of a monument on Kings Mountain battle ground commemorative of the great victory gained there during the war of the American Revolution on October 7, 1780, by the American forces.

ENROLLED BILLS PRESENTED TO THE PRESIDENT FOR HIS APPROVAL.

Mr. WACHTER, from the Committee on Enrolled Bills, reported that this day they had presented to the President of the United States, for his approval, the following bills:

H. R. 1160. An act granting an increase of pension to Eliza Swords;

H. R. 17982. An act to grant to Charles H. Cornell, his assigns and successors, the right to abut a dam across the Niobrara River on the Fort Niobrara Military Reservation, Nebr., and to construct and operate a trolley or electric railway line and telegraph and telephone lines across said reservation;

H. R. 4478. An act to amend section 64 of the bankruptcy act; and

H. R. 17881. An act permitting the building of a dam across the Crow Wing River between the counties of Morrison and Cass, State of Minnesota.

COLLECTION DISTRICTS IN TEXAS.

Mr. CURTIS. Mr. Speaker, I present a conference report for printing under the rule.

The SPEAKER. The Clerk will read the title.

The Clerk read as follows:

A bill (H. R. 10715) to establish an additional collection district in the State of Texas.

POST-OFFICE DEPARTMENT APPROPRIATION BILL.

Mr. OVERSTREET. Mr. Speaker, I desire to submit a conference report on the bill H. R. 16953, to be printed under the rule.

The SPEAKER. The gentleman from Kansas submits a conference report for printing under the rule. The Clerk will read the title.

The Clerk read as follows:

A bill (H. R. 16953) making appropriations for the service of the Post-Office Department.

BYRON K. MAY.

The SPEAKER laid before the House the following concurrent resolution:

Resolved by the Senate (the House concurring), That the President be requested to return the bill (S. 1510) entitled "An act granting an increase of pension to Byron K. May."

The question was taken; and the resolution was concurred in.

ADJOURNMENT.

Mr. TAWNEY. Mr. Speaker, I move that the House do now adjourn. Pending that, I want to state that the House this morning agreed by unanimous consent that from now on until the close of the session the House would meet at 11 o'clock.

The motion was agreed to.

Accordingly (at 5 o'clock and 27 minutes p. m.) the House adjourned.

EXECUTIVE COMMUNICATIONS.

Under clause 2 of Rule XXIV, the following executive communications were taken from the Speaker's table and referred as follows:

A letter from the Secretary of the Navy, transmitting a response to the request of the House for information as to the

cost of armor plate and an armor plant—to the Committee on Naval Affairs, and ordered to be printed.

A letter from the Acting Secretary of the Treasury, transmitting a copy of a letter from the Acting Attorney-General submitting an estimate of appropriation for credit to the accounts of S. W. Curriden, treasurer of the Reform School of the District of Columbia—to the Committee on Appropriations, and ordered to be printed.

A letter from the Acting Secretary of the Treasury, transmitting a copy of a letter from the Acting Secretary of the Navy submitting an estimate of appropriation for completion of administration building at the naval prison at Portsmouth Navy-Yard—to the Committee on Appropriations, and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions of the following titles were severally reported from committees, delivered to the Clerk, and referred to the several Calendars therein named, as follows:

Mr. BATES, from the Joint Committee on the Disposition of Useless Papers in the Executive Departments, to which was referred the report of joint committee, reported that said papers of the various bureaus of the Departments be sold for waste paper or otherwise disposed of as provided by law, accompanied by a report (No. 4927); which said bill and report were referred to the House Calendar.

Mr. McCARTHY, from the Committee on the Public Lands, to which was referred the bill of the House H. R. 19897, reported in lieu thereof a bill (H. R. 20209) granting lands to the State of Wisconsin for forestry purposes, accompanied by a report (No. 4928); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. LACEY, from the Committee on the Public Lands, to which was referred the bill of the Senate (S. 3687) providing for the use of $1,000,000 of the moneys that would otherwise become a part of the reclamation fund for the drainage of certain lands in North Dakota, and for other purposes, reported the same without amendment, accompanied by a report (No. 4929); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. BURTON of Ohio, from the Committee on Rivers and Harbors, to which was referred the bill of the House (H. R. 13106) granting to the Batesville Power Company right to erect and construct canal and power stations at Lock and Dam No. 1, upper White River, Arkansas, reported the same with amendment, accompanied by a report (No. 4930); which said bill and report were referred to the House Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 18596) to enable the Secretary of War to permit the erection of a lock and dam in aid of navigation in the White River near Batesville, Ark., and for other purposes, reported the same with amendment, accompanied by a report (No. 4931); which said bill and report were referred to the House Calendar.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bill resolutions, and memorials of the following titles were introduced and severally referred as follows:

By Mr. HUNT: A bill (H. R. 20206) to authorize the city of St. Louis, State of Missouri, to construct a bridge across the Mississippi River at St. Louis, Mo.—to the Committee on Interstate and Foreign Commerce.

By Mr. MACON: A bill (H. R. 20207) providing for the use of $3,000,000 of the money that would otherwise become a part of the reclamation fund for the drainage of certain lands in Arkansas and Missouri, and for other purposes—to the Committee on the Public Lands.

By Mr. BEALL of Texas: A bill (H. R. 20208) to encourage and promote commerce among States and with foreign nations, and to remove obstructions thereto—to the Committee on Interstate and Foreign Commerce.

By Mr. McCARTHY, from the Committee on the Public Lands: A bill (H. R. 20209) granting lands to the State of Wisconsin for forestry purposes—to the Union Calendar.

By Mr. BARTHOLDT: A bill (H. R. 20210) to authorize the city of St. Louis, a corporation organized under the laws of the State of Missouri, to construct a bridge across the Mississippi River—to the Committee on Interstate and Foreign Commerce.

By Mr. COOPER of Wisconsin: A resolution (H. Res. 586) to pay R. B. Horton for compiling and indexing reports and hearings of the Committee on Insular Affairs and the acts of the Fifty-eighth Congress relating thereto—to the Committee on Accounts.

By Mr. PAYNE: A resolution (H. Res. 587) providing for the consideration of Senate joint resolution No. 60—to the Committee on Rules.

By Mr. BURGESS: A resolution (H. Res. 589) referring to the Court of Claims the claim of William H. Sterling—to the Committee on War Claims.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions of the following titles were introduced and severally referred as follows:

By Mr. BOWERSOCK: A bill (H. R. 20211) for the relief of David H. Lewis—to the Committee on Claims.

By Mr. BROWNLOW: A bill (H. R. 20212) granting an increase of pension to George W. Greene—to the Committee on Invalid Pensions.

By Mr. BROUSSARD: A bill (H. R. 20213) for the relief of the estate of Jean Cheri Verneuiel, deceased—to the Committee on War Claims.

By Mr. BURGESS: A bill (H. R. 20214) for the relief of William H. Sterling—to the Committee on War Claims.

By Mr. CALDERHEAD: A bill (H. R. 20215) granting an increase of pension to Riley J. Berkely—to the Committee on Invalid Pensions.

Also, a bill (H. R. 20216) granting an increase of pension to C. M. Parker—to the Committee on Invalid Pensions.

Also, a bill (H. R. 20217) granting an increase of pension to Ferdinand Kunkle—to the Committee on Invalid Pensions.

By Mr. CASSEL: A bill (H. R. 20218) granting an increase of pension to George F. Steinheiser—to the Committee on Invalid Pensions.

By Mr. CLARK of Florida: A bill (H. R. 20219) granting an increase of pension to Ellen Downing—to the Committee on Pensions.

By Mr. FITZGERALD: A bill (H. R. 20220) to correct the military record of James Devlin—to the Committee on Military Affairs.

By Mr. GAINES of Tennessee: A bill (H. R. 20221) for the relief of Aaron D. Bright—to the Committee on Claims.

Also, a bill (H. R. 20222) granting an increase of pension to Henry C. Joseph—to the Committee on Invalid Pensions.

Also, a bill (H. R. 20223) granting an increase of pension to W. L. Clendening—to the Committee on Pensions.

By Mr. HOPKINS: A bill (H. R. 20224) granting an increase of pension to Philip Hamman—to the Committee on Invalid Pensions.

By Mr. MAYNARD: A bill (H. R. 20225) for the relief of Lieut. Commander Kenneth McAlpine, United States Navy—to the Committee on Naval Affairs.

By Mr. RYAN: A bill (H. R. 20226) granting an increase of pension to Catherine McCabe—to the Committee on Invalid Pensions.

By Mr. SAMUEL: A bill (H. R. 20227) granting an increase of pension to Samuel S. King—to the Committee on Invalid Pensions.

By Mr. THOMAS of North Carolina: A bill (H. R. 20228) for the relief of the estate of R. S. Petway—to the Committee on War Claims.

By Mr. TOWNSEND: A bill (H. R. 20229) granting an increase of pension to John F. Wotring—to the Committee on Invalid Pensions.

By Mr. TYNDALL: A bill (H. R. 20230) granting a pension to George W. Slay—to the Committee on Invalid Pensions.

Also, a bill (H. R. 20231) granting a pension to Frederick Hartman—to the Committee on Invalid Pensions.

Also, a bill (H. R. 20232) granting an increase of pension to Brooks E. Rogers—to the Committee on Invalid Pensions.

Also, a bill (H. R. 20233) granting an increase of pension to Abraham Payne—to the Committee on Invalid Pensions.

Also, a bill (H. R. 20234) granting an increase of pension to John Nichols—to the Committee on Invalid Pensions.

Also, a bill (H. R. 20235) granting an increase of pension to G. W. Travis—to the Committee on Invalid Pensions.

Also, a bill (H. R. 20236) granting an increase of pension to W. E. Richards—to the Committee on Invalid Pensions.

Also, a bill (H. R. 20237) granting an increase of pension to John H. Bird—to the Committee on Invalid Pensions.

Also, a bill (H. R. 20238) granting an increase of pension to Archibald W. Mayden—to the Committee on Invalid Pensions.

Also, a bill (H. R. 20239) granting an increase of pension to John Chaney—to the Committee on Invalid Pensions.

Also, a bill (H. R. 20240) granting an increase of pension to Richard E. Lewis—to the Committee on Invalid Pensions.

Also, a bill (H. R. 20241) granting an increase of pension to Comfort J. Holston—to the Committee on Invalid Pensions.

By Mr. SHERMAN: A bill (H. R. 20242) for the relief of the surviving members of Company C, Twenty-sixth Regiment New York Volunteer Infantry—to the Committee on Military Affairs.

By Mr. WEISSE: A bill (H. R. 20243) granting an increase of pension to Anton Heinzen—to the Committee on Invalid Pensions.

By Mr. CALDERHEAD: A bill (H. R. 20244) granting an increase of pension to Alfred Hayward—to the Committee on Invalid Pensions.

By Mr. ACHESON: A bill (H. R. 20245) to correct the military record of Corwin M. Holt—to the Committee on Military Affairs.

PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By the SPEAKER: Petition of Brotherhood of Locomotive Firemen, of Norfolk, Va., against bill H. R. 5281 (pilotage bill)—to the Committee on the Merchant Marine and Fisheries.

Also, memorial of the legislature of California, for legislation to allow State of California 5 per cent of net proceeds of cash sales of public lands in the State—to the Committee on the Public Lands.

By Mr. ANDREWS: Petition of Out-Door Art League, of San Francisco, for passage of California 5 per cent bill—to the Committee on the Public Lands.

By Mr. BABCOCK: Protest of 125 members of Baraboo Division, No. 176, Brotherhood of Locomotive Engineers, against adoption of conference report on railway rate bill prohibiting passes to railway employees and their families—to the Committee on Interstate and Foreign Commerce.

By Mr. BROUSSARD: Paper to accompany bill for relief of estate of Jean Cheri Verneuil, Orleans Parish, La.—to the Committee on War Claims.

By Mr. CLARK of Florida: Paper to accompany bill for relief of Ellen Downing—to the Committee on Pensions.

Also, petition for bill H. R. 4549 (consolidation of third and fourth class mail matter)—to the Committee on the Post-Office and Post-Roads.

By Mr. ESCH: Petition of F. W. Storandt, Mindoro, Wis., for pure-food bill and Federal inspection of meat packing—to the Committee on Interstate and Foreign Commerce.

By Mr. GAINES of Tennessee: Paper to accompany bill for relief of Aaron D. Bright—to the Committee on Claims.

Also, paper to accompany bill for relief of Henry C. Joseph—to the Committee on Invalid Pensions.

By Mr. GOULDEN: Petition of Merchants' Association of New York, for appropriation for lighting Statue of Liberty in New York Harbor—to the Committee on Appropriations.

By Mr. HEDGE: Petition of O. F. Shaffer, Wellman, Iowa; Laughlin & Orn, New London, Iowa; J. R. Hughes, Mount Pleasant, Iowa, and Henry Wallingford, Bonaparte, Iowa, for pure-food bill and Federal inspection of meat packing and slaughtering—to the Committee on Interstate and Foreign Commerce.

By Mr. HINSHAW: Petition of Cummings & Laughlin, Beatrice, Nebr., for a pure-food law and for complete Federal inspection law—to the Committee on Interstate and Foreign Commerce.

Also, petition of John P. Jansen & Son, favoring the Government assuming cost of meat inspection—to the Committee on Interstate and Foreign Commerce.

By Mr. WILLIAM W. KITCHIN: Paper to accompany bill for relief of S. H. Williamson—to the Committee on Claims.

By Mr. LACEY: Petitions of Henry A. Der, Malcom; Snodgrass Brothers, Milton; J. C. Nordyke, Richland; J. F. Blankenfeld, Malcom; H. Roher, Grinnell; T. B. O'Brien, John Ballisberger, and J. S. McLain, Fremont; A. C. Brudy, Richland; William F. Jager, Eddyville; C. W. Robert, Hedrick; James T. Risk, Hedrick; R. M. Janes, Borns; and Conrad Hay, all in the State of Iowa, for the pure-food bill and Federal inspection of beef-packers' products—to the Committee on Interstate and Foreign Commerce.

By Mr. MACON: Paper to accompany bill for relief of estate of Q. K. Underwood, Phillips County, Ark.—to the Committee on War Claims.

By Mr. PADGETT: Paper to accompany bill for relief of M. B. Carter, executor of Fountain B. Carter—to the Committee on War Claims.

By Mr. PAYNE: Paper to accompany bill for relief of Joseph N. Cadieux—to the Committee on Invalid Pensions.

By Mr. SMITH of Maryland: Paper to accompany bill for relief of Edwin D. Bates—to the Committee on Invalid Pensions.

By Mr. STERLING: Petition of H. S. Seitz, Normal, Ill., for pure-food law and meat inspection by the Government—to the Committee on Agriculture.

By Mr. THOMAS of North Carolina: Paper to accompany bill for relief of R. S. Petway—to the Committee on War Claims.

By Mr. WANGER: Petition of Brotherhood of Locomotive Firemen, against bill H. R. 5281 (pilotage bill)—to the Committee on the Merchant Marine and Fisheries.

SENATE.

FRIDAY, *June 15, 1906.*

Prayer by Rev. ULYSSES G. B. PIERCE, of the city of Washington.

NAMING A PRESIDING OFFICER.

Mr. KEAN called the Senate to order, and the Assistant Secretary read the following letter:

PRESIDENT PRO TEMPORE UNITED STATES SENATE,
June 15, 1906.

To the Senate:

Being temporarily absent from the Senate, I hereby appoint Senator JOHN KEAN to perform the duties of the Chair.

WM. P. FRYE,
President pro tempore.

Mr. KEAN thereupon took the chair as Presiding Officer, and directed that the Journal be read.

THE JOURNAL.

The Secretary proceeded to read the Journal of yesterday's proceedings, when, on request of Mr. SCOTT, and by unanimous consent, the further reading was dispensed with.

The PRESIDING OFFICER (Mr. KEAN). The Journal will stand approved.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, announced that the House had agreed to the reports of the committees of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the following bills:

H. R. 12707. An act to enable the people of Oklahoma and Indian Territory to form a constitution and State government and be admitted into the Union on an equal footing with the original States; and to enable the people of New Mexico and Arizona to form a constitution and State government and be admitted into the Union on an equal footing with the original States; and

H. R. 19432. An act to authorize additional aids to navigation in the Light-House Establishment.

The message also announced that the House had passed the following bills; in which it requested the concurrence of the Senate:

H. R. 19571. An act to authorize the county court of Gasconade County, Mo., to construct a bridge across the Gasconade River at or near Fredericksburg, Mo.; and

H. R. 20070. An act to authorize the Chattanooga Northern Railway Company to construct a bridge across the Tennessee River at Chattanooga, Tenn.

The message further announced that the House had agreed to the concurrent resolution of the Senate requesting the President to return to the Senate the bill (S. 1510) granting an increase of pension to Byron K. May.

ENROLLED BILLS SIGNED.

The message also announced that the Speaker of the House had signed the following enrolled bills; and they were thereupon signed by the Presiding Officer:

H. R. 9813. An act granting a pension to Harriet P. Sanders;

H. R. 15331. An act making appropriations for the current and contingent expenses of the Indian Department, for fulfilling treaty stipulations with various Indian tribes, and for other purposes, for the fiscal year ending June 30, 1907;

H. R. 17510. An act to provide for a reconnoissance and preliminary survey of a land route for a mail and pack trail from the navigable waters of the Tanana River to the Seward Peninsula, in Alaska, and for other purposes;